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FOR NEW YORK STATE.

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**MATTHEW BENDER, LAW BOOK PUBLISHER,  
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# GREENE'S PRACTICE TIME-TABLE

CONSISTING OF

THE TIMES REQUIRED FOR EACH STEP IN THE  
PRACTICE OF LAW IN THE STATE  
OF NEW YORK.

ALPHABETICALLY ARRANGED.

EMBRACING

THE CODE OF CIVIL PROCEDURE, THE CODE OF CRIMINAL  
PROCEDURE, THE COURT RULES, THE NEW YORK  
CITY CHARTER, THE GENERAL ASSIGNMENT  
ACT, THE LIEN LAW, THE MUNICIPAL  
COURT ACT AND OTHER GEN-  
ERAL LAWS OF PRACTICE.

By H. NOYES GREENE  
OF THE TROY BAR.

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SECOND EDITION.

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MATTHEW BENDER.

1902.

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## PREFACE TO SECOND EDITION.

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An unusually large number of additions to and amendments of the various acts and rules relating to practice have taken effect since the publication of the first edition of this book in 1897. Among these may be mentioned the amendment to the Civil Code changing the Board of Claims to the Court of Claims, and providing procedure therefor and the accompanying adoption of rules of practice by the court itself; the amendments to the general rules of practice in 1899; the enactment of the Lien Law and the addition to the Civil Code of provisions for the enforcement of mechanic's liens and liens on vessels; the adoption of the new charter for Greater New York, practically superseding the old Consolidation Act; the enactment of the Municipal Court Act and many other changes in the general laws of the State.

A volume purporting to give the time required for each step in the practice of law must necessarily be contemporaneous with existing statutes, and, therefore, a second edition of the Time-Table containing the additions and amendments above referred to has been deemed a pressing need.

Troy, N. Y., August 25, 1902.

H. N. G.





## PREFACE TO FIRST EDITION.

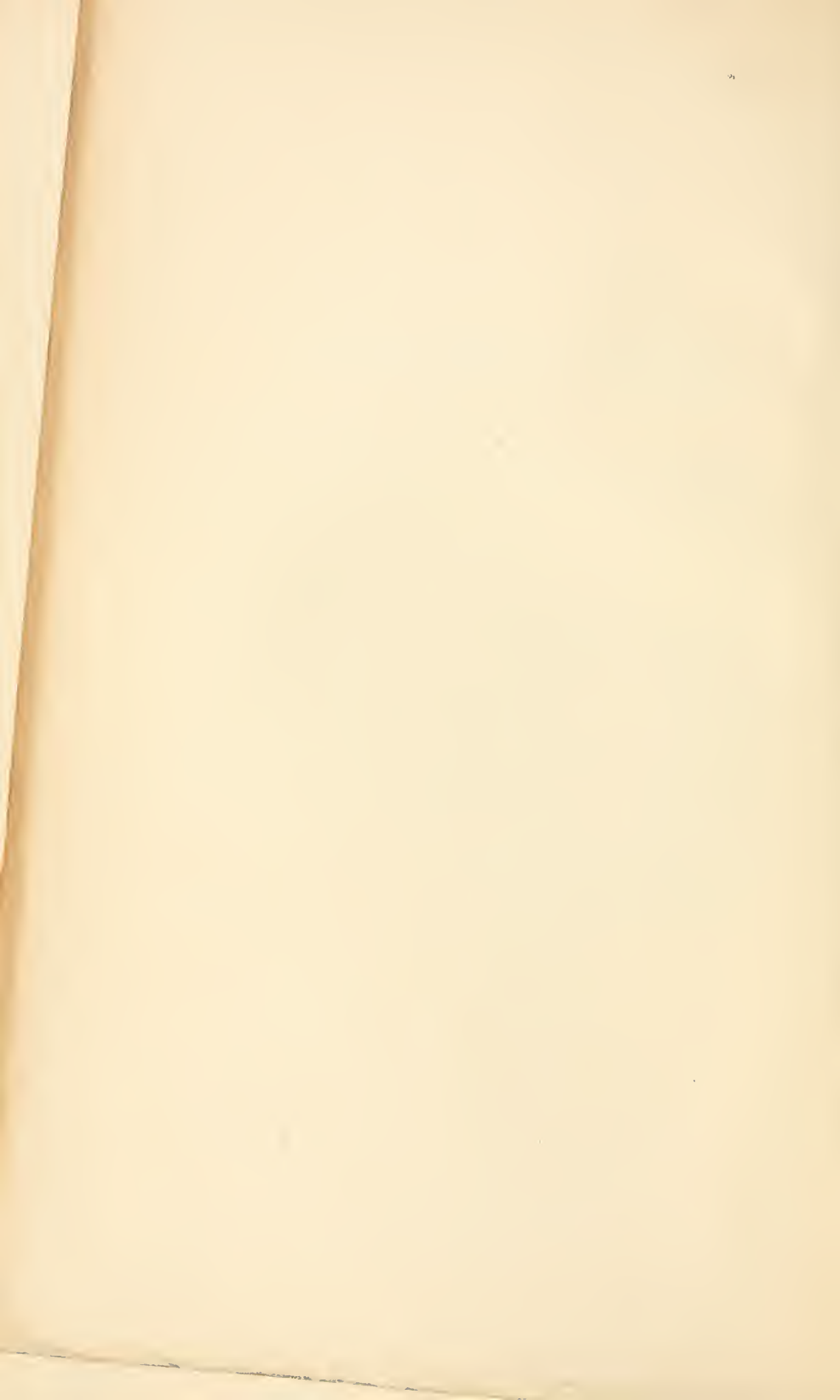
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It has been often remarked that too many books dealing with the theory and practice of the law are each year placed upon the market. The preparation of this little volume would, therefore, have been attended with some hesitation and diffidence had it not been believed that in the busy lawyer's hands it would prove a grateful relief from the burdensome task of book perusal. As an index or digest of the Practice Laws of the State, and as a helpful reminder of the periods of time within which certain steps are required to be taken, the Practice Time-Table cannot fail to be invaluable.

The further fact that no similar volume has been published in this State in a number of years completes my excuse for offering this one to the profession.

Troy, N. Y., March 1, 1897.

H. N. G.



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# THE PRACTICE TIME-TABLE.

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## ABATEMENT.

### Of Action.

**Six months to one year** thereafter the court may direct by order as the time within which an action must be continued by the proper parties where the plaintiff has died or married. (§ 761 Code. Civ. Pro.)

### Of Nuisance.

**Five days** after service of an order of the board of health to abate a nuisance, the same must be abated. (§ 1176 N. Y. City Charter.)

**Five days** after service of the answer the defendant may demand a trial by jury on any question of fact. (§ 1289 N. Y. City Charter.)

**Five days'** notice of a motion to remove the lien of a judgment recovered therein is required. (§ 1291 N. Y. City Charter.)

**Thirty days** after judgment an appeal by either party may be taken. (§ 1292 N. Y. City Charter.)

**Four days'** notice of a motion to stay the execution on appeal is required. (§ 1292 N. Y. City Charter.)

**Thirty days'** stay of execution may be granted by the court without requiring an undertaking. (§ 1292 N. Y. City Charter.)

**Ten days** after a statement of the expenses of execution is filed it becomes final. (§ 1295 N. Y. City Charter.)

**Five days'** notice of an application for an injunction directed to the board of health is required. (§ 1260 N. Y. City Charter.)

## ACCOUNTING.

**At any time**, an executor or administrator may voluntarily file in the surrogate's office an intermediate account. (§ 2725 Code Civ. Pro.)

**Eighteen months** after letters are issued, or on the return of a citation issued on the petition of a creditor or legatee for payment of debts or legacy, or when application has been made to have execution issued against the estate, the surrogate may compel an intermediate account. (§ 2725 Code Civ. Pro.)

**One year** after letters are issued or where the administrator's powers have ceased, or where he has disposed of real property under a decree, the surrogate may compel a judicial settlement of the accounts upon the petition of a creditor or person interested in the estate. (§ 2726 Code Civ. Pro.)

**Eighteen months** after letters were issued such a petition presented on the ground of the lapse of time only may be denied by the court. (§ 2727 Code Civ. Pro.)

**One year** after letters were issued or where notice to creditors has been duly served, the executor or administrator may apply to have his accounts judicially settled. (§ 2728 Code Civ. Pro.)

**One year** after probate or when the trusts have been executed a testamentary trustee may apply to have his accounts judicially settled. (§ 2810 Code Civ. Pro.)

**One year** after probate or where the powers of the trustees have ceased, or where the trusts have been executed, the court may compel a judicial settlement of the trustees' account. (§ 2807 Code Civ. Pro.)

**Eight days** after the return of the citation or the filing of the account, objections thereto must be taken. (Rule 7, N. Y. Surrogates' Court.)

**Two years** after a decree is entered settling the accounts of an administrator or executor he must turn over all unpaid legacies to the county treasurer. (§ 2748 Code Civ. Pro.)

**Two days'** notice of a settlement of accounts must be given a guardian. (Rule 11, N. Y. Surrogates' Court.)

**Three months** after service of an order to that effect the guardian must file or amend his account. (Rule 21, N. Y. Surrogates' Court.)

### ACTION AGAINST CITY.

**Thirty days** after a claim against the city is presented to the comptroller an action thereupon may be begun. (§ 261 N. Y. City Charter.)

### ADJOURNMENT.

#### In Justices' Courts.

**Eight days** from the joining of issue trial may be adjourned upon motion of the justice or plaintiff or to draw a jury, unless in the latter case the parties consent to a longer adjournment. (§§ 2959, 2960, 2991 Code Civ. Pro.)

**Ten days'** undertaking, dated from the recovery of judgment, must be given by the defendant upon motion for adjournment if the plaintiff so demands. (§ 2962 Code Civ. Pro.)

**Ten days'** undertaking, dating from judgment, must be given by a defendant, who has been arrested, upon motion for adjournment if he desires to be released from custody. (§ 2963 Code Civ. Pro.)

**Five days'** adjournment may be granted by the justice where a warrant of attachment is issued to compel the attendance of a witness. (§ 2967 Code Civ. Pro.)

**Ninety days** from the joinder of issue, unless by consent of both parties, the trial shall not be adjourned, except to procure a new jury; an adjournment because of a defaulting witness not being a part of such time. (§ 2968 Code Civ. Pro.)

#### In Municipal Court of New York.

**Eight days** at a time, except by consent, the trial of an action may be adjourned (§ 193 Mun. Ct. Act.), but

**Ninety days'** adjournment may be had by giving an undertaking. (§ 194 Mun. Ct. Act.)

**Forty-eight hours** only, the trial of an action may be adjourned while the defendant is actually in custody under an order of arrest. (§ 193 Mun. Ct. Act.)

### ADJUSTMENT.

*See* COSTS.

### ADMINISTRATOR.

*See* COUNTY TREASURER; EXECUTOR, ETC.; PUBLIC ADMINISTRATOR; TEMPORARY ADMINISTRATOR.

### ADMISSION TO BAR.

**Twice**, at least, in each year examinations shall be conducted in each judicial department of all persons applying for admission to practice as attorneys and counsellors at law. (§ 56 Code Civ. Pro.)

**Five days** after its adoption a copy of each amendment to the rules touching the admission of attorneys and counselors to practice in courts of record shall be filed in the office of the Secretary of State. (§ 57 Code Civ. Pro.)

**One month** is the limit of imprisonment as punishment for practising as an attorney in the courts of New York city without having been regularly admitted to practice in the courts of record of the State. (§ 64 Code Civ. Pro.)

### ADVERSE CLAIM.

**One year** after a person has been in possession of real property under a claim of title he may begin an action for the determination of an adverse claim. (§ 1638 Code Civ. Pro.)

**One year** after final judgment therein the court may grant a new trial. (§ 1646 Code Civ. Pro.)

### ADVERTISEMENT.

*See* PUBLICATION.

**ADVERTISEMENT FOR CREDITORS.**

**Six months'** publication, once a week, of a notice to creditors to present their claims on a day at least six months after the first day of publication, must be made by the executor or administrator. (§ 2718 Code Civ. Pro.)

**Six months** from the first publication of such notice a creditor must present his claim or the administrator will not be responsible for payment of any just debts made before such presentation. (§ 2718 Code Civ. Pro.)

**AFFIRMANCE.**

*See* APPEALS.

**AMENDMENT.**

*See* PLEADINGS.

**ANSWER.**

**Twenty days** after service of a copy of any pleading in an action, a copy of the subsequent pleading must be served. (§ 520 Code Civ. Pro.)

**Twenty days** after the arrest of defendant, otherwise than by order of the court, he may answer. (§ 566 Code Civ. Pro.)

**Twenty days** after the appearance of a defendant by an attorney, who has appeared for another defendant in the same action, the former must answer the complaint. (§ 479 Code Civ. Pro.)

**Twenty days**, at least, before trial, a defendant, whose answer demands judgment determining the ultimate rights of two or more defendants, must serve a copy thereof upon each defendant, or his attorney, to be affected by the determination. (§ 521 Code Civ. Pro.)

**Twenty days** after a pleading is served, or at any time before the period for answering it expires, the pleading may be once amended as of course. (§ 542 Code Civ. Pro.)

**Twenty days** after a pleading is amended it may be demurred to or answered. (§ 543 Code Civ. Pro.)

**Ten days** after service each pleading must be filed with the clerk. (§ 824 Code Civ. Pro.)

**Five days'** notice must be given to the adverse party of an application to strike out a pleading as frivolous. (§ 537 Code Civ. Pro.)

### **In City Court of New York.**

**Within the same time** as the defendant is required by the summons to serve his answer, each plaintiff must be served. (§ 3166 Code Civ. Pro.)

**Ten days** after the arrest of the defendant in the City Court of New York he must demand complaint or serve a copy of his answer as the case requires. (§ 3166 Code Civ. Pro.)

**Two days'** extension of time to answer may be granted without notice in the City Court of New York. (Rule 14, N. Y. City Court.)

## **APPEALS.**

### **A. GENERAL PROVISIONS.**

#### **Death of a Party.**

**Three months** after the death of one of the parties to an appeal the appellate court may order representatives of deceased to show cause why the appeal should not be heard (§ 1298 Code Civ. Pro.), and

**Six months** at least after making such order, a day must be specified when cause is to be shown. (§ 1298 Code Civ. Pro.)

#### **Undertaking.**

**Twenty days** after service of an order to that effect a new undertaking must be given. (§ 1308 Code Civ. Pro.)

**Ten days'** notice of the dismissal of the appeal must be given before an action can be brought upon the undertaking. (§ 1309 Code Civ. Pro.)

#### **Filing Papers.**

**Twenty days** after an appeal is perfected the appellant must file the judgment-roll and other necessary papers. (§ 1315 Code Civ. Pro.)

### **Correcting Docket.**

**Ten days** after the entry of a judgment in the appellate court reversing or modifying a judgment for a sum of money, the clerk must correct his docket to that effect and must furnish the county clerk in whose office the judgment is also docketed a transcript of his corrected docket. (§ 1321 Code Civ. Pro.)

### **Appeals from Judgment in Respect to Real Property.**

**Ten days'** notice must be given before one who appeals from a judgment in favor of the owner of real estate in an action to compel the specific performance of a contract for the sale thereof, files his undertaking to pay such owner such damages as he may suffer by reason of such appeal. (§ 1323 Code Civ. Pro.)

**Thirty days** after service of a copy of the final order in proceedings for the condemnation of real property, an appeal must be taken. (§§ 3375, 3376 Code Civ. Pro.)

## **B. TO COURT OF APPEALS.**

### **Time in which to Appeal.**

**One year** after judgment is entered in the court below an appeal to the Court of Appeals must be taken. (§ 1325 Code Civ. Pro.)

**Sixty days** after service of an order granted in the court below an appeal therefrom to the Court of Appeals must be taken. (§ 1325 Code Civ. Pro.)

**Thirty days** after service of order of appellate division denying application for leave to appeal to Court of Appeals, application to a judge of the Court of Appeals must be made. (§ 1310 Code Civ. Pro.)

### **Return on Appeal.**

**Twenty days** after an appeal is perfected the appellant must file the return. (§ 1315 Code Civ. Pro.)

**Ten days** after the service of a notice by the respondent upon an appellant requiring him to file his return he must do so or the appeal will be dismissed. (Rule 1, Court of Appeals.)



### **Undertaking on Appeal.**

**Ten days** after service of a copy of the undertaking with notice of filing thereof on the appellant's attorney, the latter can except to the sufficiency of the sureties. (§ 1335 Code Civ. Pro.)

**Ten days** after service of such notice of exception the sureties must justify. (§ 1335 Code Civ. Pro.)

**Five days'** notice of justification must be given. (§ 1335 Code Civ. Pro.)

### **Copies of Case and Points.**

**Forty days** after the appeal is perfected the appellant must serve three copies of the case on the respondent's attorney. (Rule 6, Court of Appeals.)

**Ten days** after service of a notice by a respondent requiring the appellant to serve such copies, if he fails to do so the appeal will be dismissed. (Rule 6, Court of Appeals.)

**Twenty days** before a case is placed on the day calendar an appellant shall file with the clerk sixteen copies of the case and sixteen copies of his points, and serve on the respondent three copies of his points. (Rule 7, Court of Appeals.)

**Ten days** after such service the respondent shall file with the clerk sixteen copies and serve on the appellant three copies of his points. (Rule 7, Court of Appeals.)

**Five days** after the latter service the appellant may file with the clerk sixteen copies and serve on the respondent three copies of points in reply. (Rule 7, Court of Appeals.)

**Two days** before a case shall be placed on the day calendar where it is to be argued the first two weeks of any term commencing next after the making of a new calendar the party shall file the papers and serve or exchange the points. (Rule 7, Court of Appeals.)

### **Criminal Causes.**

**Ten days'** notice must be given of the placing of a criminal cause upon the calendar, and bringing it on for hearing as a preferred case where it was not placed upon the regular calendar. (Rule 9, Court of Appeals.)



### **Time of Argument.**

**Two hours** may be occupied by either counsel in the argument of a cause. (Rule 13, Court of Appeals.)

**Twenty minutes** may be occupied by appellant's counsel in the argument of an appeal from an order. (Rule 13, Court of Appeals.)

**Fifteen minutes** may be occupied by respondent's counsel in the argument of an appeal from an order. (Rule 13, Court of Appeals.)

### **Dismissal.**

**Ten days** after dismissal application must be made to restore such appeal. (Rule 15, Court of Appeals.)

### **Affirmance by Default.**

**Ten days** after notice of affirmance is served on the appellant the remittitur may be sent to the court below. (Rule 17, Court of Appeals.)

## **C. TO APPELLATE DIVISIONS.**

### **Time in which to Appeal.**

**Thirty days** after service of a copy of a judgment of an inferior court or the Supreme Court, or an order of the Supreme Court, or a final order in a special proceeding, with notice of entry thereof, an appeal to the Appellate Division of the Supreme Court must be taken. (§ 1341 Code Civ. Pro.)

**Sixty days** after service of a copy of an order of an inferior court, and a notice of entry, an appeal to the Appellate Division must be taken. (§ 1343 Code Civ. Pro.)

### **Case and Exceptions.**

**Thirty days** after service of a copy of a decision by a court or referee or after a trial by jury or after notice of the decision of the motion for a new trial, or after entry of judgment upon setting aside of a verdict, the case must be made and served. (Rule 32, General Rules.)

**Ten days** thereafter the party served may propose amendments to the case. (Rule 32, General Rules.)

**Four days** thereafter the party serving the case may give notice of settlement. (Rule 32, General Rules.)

**Four to ten days** after such notice the case must be settled. (Rule 32, General Rules.)

**Two days'** notice of an application to extend the time in which to settle a case must be given the opposite party. (Rule 32, General Rules.)

**Ten days** after settlement the case must be signed and filed. (Rule 35, General Rules.)

### **Papers on Appeal.**

**Twenty days**, in all cases except appeals from non-enumerated motions, after an appeal has been taken to the Appellate Division, or an order made for the hearing of a cause therein, or an agreed case filed in the clerk's office, or after the settlement and filing of a case, the papers must be served by the moving party (Rule 41, General Rules), but

**Fifteen days**, in the case of non-enumerated motions, after the appeal is taken, the papers must be served. (Rule 41, General Rules.)

**Three days'** notice of a motion to dismiss the appeal must be given where papers have not been served as required. (Rule 41, General Rules.)

### **Note of Issue.**

**Eight days** before the commencement of the court, notes of issue must be filed. (Rule 39, General Rules.)

## **D. TO APPELLATE DIVISION, FIRST DEPARTMENT.**

### **Appeals from Orders.**

**Eight days** before the day for the argument of an appeal from an order, a note of issue must be filed with the clerk. (Rule 4, App. Div. 1st Dept.)

**Eight days** before the day for the argument of an appeal from an order, sixteen copies of the papers must be filed with the clerk, and three copies served upon the adverse party. (Rule 4, App. Div. 1st Dept.)

**Four days'** notice of motion for the dismissal of an appeal from an order because of the failure of the adverse party to file the requisite papers must be given. (Rule 4, App. Div. 1st Dept.)

**Eight days'** notice of argument of an appeal from an order must be given. (Rule 4, App. Div. 1st Dept.)

### **Enumerated Case.**

**Eight days** before the commencement of the term, a note of issue for an enumerated case must be filed with the clerk. (Rule 5, App. Div. 1st Dept.)

**Eight days** before the commencement of the term for which an enumerated case has been noticed for argument, sixteen copies of the papers must be filed with the clerk and three copies served upon the adverse party. (Rule 5, App. Div. 1st Dept.)

**Four days'** notice of motion for the dismissal of an enumerated appeal because of the failure of the adverse party to file the requisite papers must be given. (Rule 5, App. Div. 1st Dept.)

**Eight days'** notice of argument of an enumerated case must be given. (Rule 5, App. Div. 1st Dept.)

## **E. TO APPELLATE DIVISION, SECOND DEPARTMENT.**

### **Note of Issue.**

**Two days** before the day for which motions, other than appeals from orders, are noticed, notes of issue therefor must be filed with the clerk. (Rule 6, App. Div. 2d Dept.)

**Eight days** before the making up of the non-enumerated calendar, notes of issue for appeals from orders must be filed. (Rule 7, App. Div. 2d Dept.)

**Five days** before a criminal case is to be heard a note of issue must be filed. (Rule 9, App. Div. 2d Dept.)

### **Notice of Argument.**

**Ten days'** notice of argument must be given of a criminal appeal not regularly placed on the calendar. (Rule 9, App. Div. 2d Dept.)

**Four days'** notice must be given before bringing to argument an appeal once passed. (Rule 2, App. Div. 2d Dept.)

### **Brief and Points.**

**Ten days** before a cause is placed on the day calendar, sixteen copies of the brief and points of the appellant shall be filed with the clerk and three copies served on the respondent. (Rules, App. Div. 2d Dept.)

**Five days** thereafter the respondent shall make a like service. (Rules, App. Div. 2d Dept.)

**Three days** thereafter the appellant may make a like service of answering brief and points. (Rules, App. Div. 2d Dept.)

## **F. TO APPELLATE DIVISION, THIRD DEPARTMENT.**

### **Note of Issue.**

**Five days** before a criminal case is to be heard a note of issue must be filed. (Rule 4, App. Div. 3d Dept.)

### **Notice of Argument.**

**Ten days'** notice of argument must be given of a criminal appeal not regularly placed on the calendar. (Rule 4, App. Div. 3d Dept.)

### **Brief and Points.**

**Twenty days** before a term, the appellant shall serve upon the respondent three copies of his brief and points. (Rule 15, App. Div. 3d Dept.)

**Eight days** before said term the respondent shall make a like service. (Rule 15, App. Div. 3d Dept.)

**Three days** before said term the respondent may make a like service of answering brief and points. (Rule 15, App. Div. 3d Dept.)

**G. TO APPELLATE DIVISION, FOURTH DEPARTMENT.****Note of Issue.**

**Eight days** before the making up of the non-enumerated calendar, notes of issue for appeals from orders must be filed. (Rule 1, App. Div. 4th Dept.)

**Five days** before a criminal case is to be heard a note of issue must be filed. (Rule 4, App. Div. 4th Dept.)

**Notice of Argument.**

**Ten days'** notice of argument must be given of a criminal appeal not regularly placed on the calendar. (Rule 4, App. Div. 4th Dept.)

**Brief and Points.**

**Fifteen days** after the service of the papers required by General Rule XLI, sixteen copies of the papers and points must be filed with the clerk and three copies served on the adverse party. (Rule 9, App. Div. 4th Dept.)

**Seven days** thereafter the adverse party shall make a like service. (Rule 9, App. Div. 4th Dept.)

**Five days** thereafter the first party may make a like service of answering points and brief. (Rule 9, App. Div. 4th Dept.)

**Three days'** notice must be given of application for judgment by default on account of failure to serve brief and points. (Rule 9, App. Div. 4th Dept.)

**H. FROM COURT OF CLAIMS.****Time to Appeal.**

**Thirty days** after service of order or judgment of Court of Claims, an appeal therefrom must be taken. (§ 276 Code Civ. Pro.; Rule 24, Court of Claims.)

**Notice of Preferment.**

**Fourteen days'** notice of hearing as preferred cause an appeal from judgment of Court of Claims must be given. (§ 278 Code Civ. Pro.)

**Case.**

**Ten days** after service of a case on appeal from judgment of Court of Claims, amendments thereto may be proposed and served. (§ 277 Code Civ. Pro.; Rule 25, Court of Claims.)

**Ten days** after service of proposed amendments to case on appeal from judgment of Court of Claims, notice of settlement must be served. (§ 277 Code Civ. Pro.; Rule 25, Court of Claims.)

**Five days'** notice is required of settlement of case on appeal from judgment of Court of Claims. (§ 277 Code Civ. Pro.; Rule 25, Court of Claims.)

**Ten days** after a case on appeal is settled, it must be filed with the clerk. (Rule 26, Court of Claims.)

**I. FROM NEW YORK SURROGATES' COURT.**

**Thirty days** after service of a decree or order an appeal therefrom by a party to the proceeding must be taken. (§ 2572 Code Civ. Pro.)

**Three months** after entry of the order a person not a party must appeal therefrom. (§ 2572 Code Civ. Pro.)

**Ten days** after the filing of the undertaking on appeal from the Surrogates' Court of New York, the respondent may except to the sureties. (Rule 16, N. Y. Surrogates' Court.)

**Ten days** thereafter the sureties must justify. (Rule 16, N. Y. Surrogates' Court.)

**Five days'** notice of such justification must be given. (Rule 16, N. Y. Surrogates' Court.)

**J. TO APPELLATE TERM, NEW YORK.****Calendar.**

**Five days** before the term at which such appeals are heard the clerk shall publish the calendar in the Law Journal. (Special Rules, First Department.)

**Return.**

**Ten days** after service of a notice of appeal from the City Court the appellant must cause the return to be filed and printed copies served. (Special Rules, First Department.)

**Eight days** before the term, the return from the court below must be filed with the clerk. (Special Rules, First Department.)

**Eight days** before the term an affidavit must be filed with the clerk that three copies of the return from the City Court have been served on the respondent. (Special Rules, First Department.)

**Five days'** notice of motion to compel a return by attachment must be given. (Special Rules, First Department.)

**Notices.**

**Eight days'** notice of argument must be given. (Special Rules, First Department.)

**Five days'** notice of motion to dismiss an appeal must be given. (Special Rules, First Department.)

**Two days'** notice must be given, of the settlement of proposed orders. (Special Rules, First Department.)

**K. FROM CITY COURT OF NEW YORK.****To General Term.**

**Ten days** after service of a copy of the judgment or order appealed from, an appeal to the General Term of the court may be taken. (§ 3190 Code Civ. Pro.)

**Ten days** after an appeal is perfected the justice must file, if so required, a special decision, stating separately the facts found and the conclusions of law. (§ 3173 Code Civ. Pro.)

**Five days'** notice of the hearing of an appeal must be given. (§ 3161 Code Civ. Pro.)

**To Supreme Court.**

**Twenty days** after the service of a copy of the judgment or order appealed from, an appeal to the Supreme Court may be taken. (§ 3193 Code Civ. Pro.)



**L. FROM MUNICIPAL COURT OF NEW YORK.**

**Twenty days** after the entry of judgment or after written notice thereof is served, an appeal from the Municipal Court of New York must be taken. (§ 311 Mun. Ct. Act.)

**Twenty days** after service of notice of appeal from the Municipal Court of New York, the respondent may serve a written stipulation for reversal. (§ 325 Mun. Ct. Act.)

**Thirty days** after service of notice of appeal from the Municipal Court of New York, the clerk shall make a return to the appellate court (§ 317 Mun. Ct. Act.), and

**Ten days** after the stenographer's fees are paid, he shall furnish the clerk with the minutes. (§ 317 Mun. Ct. Act.)

**Three days'** notice of settlement of the case on appeal from the Municipal Court of New York shall be given (§ 318 Mun. Ct. Act.), and

**Five days** thereafter the justice shall settle the same. (§ 318 Mun. Ct. Act.)

**Five days** after the service of the undertaking on an appeal from the Municipal Court of New York, the respondent may except to the sureties (§ 315 Mun. Ct. Act.), and

**Five days** thereafter the sureties must justify (§ 315 Mun. Ct. Act.), and

**Three days'** notice of the justification must be given. (§ 315 Mun. Ct. Act.)

**Three days** before the day for hearing appeals from the Municipal Court of New York, a note of issue or the return of the justice must be filed. (Rules, App. Div. 2d Dept.)

**Eight days'** notice of argument must be given of an appeal from a judgment of the Municipal Court of New York. (Rules, App. Div. 2d Dept.)

**Eight days'** notice of hearing of an appeal from the Municipal Court of New York must be given in the appellate court. (§ 325 Mun. Ct. Act.)

**Six days'** notice of an application for an order for restitution must be given, after the decision of an appeal from the Municipal Court of New York. (§ 323 Mun. Ct. Act.)



**Three months** after the death of either party to an appeal from the Municipal Court of New York, the appellate court may make an order requiring all persons interested to show cause on a certain day why said appeal should not be dismissed or the judgment reversed, as the case may be (§ 321 Mun. Ct. Act.), and

**Six months** after making such order, cause must be shown. (§ 321 Mun. Ct. Act.)

#### **M. FROM JUSTICES' COURTS.**

**Twenty days** after judgment or service of notice thereof an appeal must be taken. (§ 3046 Code Civ. Pro.)

**Five years** after the entry of judgment an appeal cannot be taken in any case. (§ 3046 Code Civ. Pro.)

**Ten days** after service of a copy of an undertaking on appeal the defendant may except to the sureties. (§ 3050 Code Civ. Pro.)

**Ten days** thereafter the sureties must justify. (§ 3050 Code Civ. Pro.)

**Five days'** notice of justification must be given. (§ 3050 Code Civ. Pro.)

**Ten to thirty days** after the service of the notice of appeal the justice must make his return. (§ 3053 Code Civ. Pro.)

**Twenty days** after the certificate of the County Court, where the latter can not hear an appeal from a justice's judgment, notice of motion to compel the justice to amend his return must be given. (Rule 45, General Rules.)

**Six days'** notice of an application for an order for restitution must be given where the judgment of the justice is reversed or modified. (§ 3058 Code Civ. Pro.)

**Twenty days** after the service of the notice of appeal the respondent may stipulate that the judgment be reversed, in a case where a new trial is not demanded in the appellate court. (§ 3062 Code Civ. Pro.)

**Eight days'** notice of trial of the appeal must be given. (§ 3062 Code Civ. Pro.)

### **New Trial in Appellate Court.**

**Ten days** from the filing of the justice's return the action is deemed to be at issue in the appellate court. (§ 3071 Code Civ. Pro.)

**Fifteen days** after the service of the notice of appeal, or at any time after the action is deemed to be at issue in the appellate court, either party may offer to allow judgment to be rendered against him. (§§ 3070, 3072 Code Civ. Pro.)

**Ten days** after the offer is made it must be accepted. (§§ 3070, 3072 Code Civ. Pro.)

### **N. IN CRIMINAL ACTIONS.**

**One year** after judgment is entered an appeal must be taken. (§ 521 Code Crim. Pro.)

**Ten days** after the service of the notice of appeal the clerk must transmit it with the judgment-roll to the clerk of the appellate court. (§ 532 Code Crim. Pro.)

**Six months** from the taking of an appeal from a judgment of death, the same must be brought on for argument. (§ 536 Code Crim. Pro.)

**Six months** after the taking of an appeal from a judgment of death, judgment of affirmance without argument may be given. (§ 539 Code Crim. Pro.)

**Two days'** notice must be given by the district attorney of an application for an order vacating a certificate of stay. (§ 529 Code Crim. Pro.)

**Ten days** after the granting of a certificate of stay must elapse before an appeal to the Appellate Division from a judgment in a criminal action can be brought on for argument. (§ 529 Code Crim. Pro.)

**Fifteen days** after the granting of a certificate of stay, the Court of Appeals must have been in session before the district attorney can apply for an order vacating the certificate. (§ 529 Code Crim. Pro.)

**Five days** after appeal counsel must serve notice of retainer on the district attorney in order that notice of argument be served on him instead of the defendant. (§ 537 Code Crim. Pro.)

**Ten days'** notice of argument of an appeal must be given. (§§ 535, 536 Code Crim. Pro.)

**Two days'** notice must be given of an application for an order enlarging the time for preparing or settling a case on appeal from a judgment in a criminal action. (§ 460 Code Crim. Pro.)

**Five days'** notice must be given of a motion to dismiss an appeal. (§ 533 Code Crim. Pro.)

**Ten days'** notice of appeal from an order in bastardy must be given to the magistrate who made it. (§ 862 Code Crim. Pro.)

**Five days** after the allowance of an appeal from a judgment of Special Sessions, notice of the same must be served upon the district attorney. (§ 752 Code Crim. Pro.)

**Sixty days** after the decision of a magistrate in an abandonment proceeding, an appeal therefrom by the commissioner of public charities must be taken. (§ 689 N. Y. City Charter.)

**Five days** after an allowance of appeal in an abandonment proceeding, the commissioner of public charities must serve notice thereof upon the defendant. (§ 689 N. Y. City Charter.)

**Ten days'** notice of the argument of an appeal in an abandonment proceeding must be given by either party. (§ 689 N. Y. City Charter.)

## APPEARANCE.

**Twenty days** after the summons is served the defendant must appear. (§ 421 Code Civ. Pro.)

**At any time** before judgment, where the summons was served by publication, the defendant may appear. (§ 445 Code Civ. Pro.)

**One year** after personal service of a notice of judgment except in certain cases, a defendant not personally served with the summons may be allowed to defend. (§ 445 Code Civ. Pro.)

**Seven years** after filing of the judgment-roll, where no notice of judgment was personally served, the defendant may be allowed to defend. (§ 445 Code Civ. Pro.)

**Twenty days** after the appearance of a defendant by an attorney, who has appeared for another defendant in the same action, the former must answer the complaint. (§ 479 Code Civ. Pro.)

**Twenty days** after service of the summons is made, otherwise than personally, the plaintiff may apply to the court for judgment if the defendant has not appeared. (§ 1216 Code Civ. Pro.)

**Five days'** notice of the time and place of an assessment by the clerk must be given a defendant who has appeared personally, but has made default in pleading (§ 1219 Code Civ. Pro.), and

**Eight days'** notice of the application for judgment must be given. (§ 1219 Code Civ. Pro.)

#### **In City Court of New York.**

**Six days** after the summons is served the defendant must appear. (§ 3165 Code Civ. Pro.)

**Ten days** after service of summons without the city of New York or by publication, the defendant must appear. (§ 3165 Code Civ. Pro.)

**Two days** after the service of the summons, where some of the parties reside without the city, the defendant may be required to appear by order of the court. (§ 3165 Code Civ. Pro.)

**Ten days** after the arrest of the defendant in the City Court of New York he must demand complaint or serve a copy of his answer as the case requires. (§ 3166 Code Civ. Pro.)

### APPELLATE DIVISIONS.

**Five years** is the term of office for which justices shall be designated to sit as justices of an appellate division, except the presiding justice of each department, who shall act as such during his term of office. (§ 220 Code Civ. Pro.)

**Thirty days** before the commencement of such term an appointment of a term of an Appellate Division must be made and filed in the office of the Secretary of State. (§ 226 Code Civ. Pro.)

**Four weeks** in succession the Secretary of State must publish a copy of the appointment of a term of an Appellate Division. (§ 226 Code Civ. Pro.)

### Appeals To.

**Thirty days** after service of a copy of a judgment of an inferior court or the Supreme Court, or an order of the Supreme Court, or a final order in a special proceeding, with notice of entry thereof, an appeal to the Appellate Division of the Supreme Court must be taken. (§ 1341 Code Civ. Pro.)

**Sixty days** after service of a copy of an order of an inferior court, and a notice of entry, an appeal to the Appellate Division must be taken. (§ 1343 Code Civ. Pro.)

**Eight days** before the commencement of the court, notes of issue must be filed. (Rule 39, General Rules.)

**Four days** after the entry of an order by an Appellate Division refusing a new trial, judgment may be taken. (§ 1227 Code Civ. Pro.)

### APPELLATE TERM.

**Five days** before the term at which such appeals are heard the clerk shall publish the calendar in the Law Journal. (Special Rules, First Department.)

**Ten days** after service of a notice of appeal from the City Court the appellant must cause the return to be filed and printed copies served. (Special Rules, First Department.)

**Eight days** before the term, the return from the court below must be filed with the clerk. (Special Rules, First Department.)

**Eight days** before the term an affidavit must be filed with the clerk that three copies of the return from the City Court have been served on the respondent. (Special Rules, First Department.)

**Five days'** notice of motion to compel a return by attachment must be given. (Special Rules, First Department.)

**Eight days'** notice of argument must be given. (Special Rules, First Department.)

**Five days'** notice of motion to dismiss an appeal must be given. (Special Rules, First Department.)

**Two days'** notice must be given, in the Appellate Term of New York, of the settlement of proposed orders. (Special Rules, First Department.)

### APPRAISEMENT OF ESTATE.

**Five days'** notice of an appraisement of personal property must be given by the administrator to all legatees and next of kin. (§ 2711 Code Civ. Pro.)

**Two months** after the discovery of any property not mentioned in the inventory the executor must appraise it and return an inventory thereof. (§ 2714 Code Civ. Pro.)

**Three months** after letters are granted the inventory must be filed. (§ 2715 Code Civ. Pro.)

### APPRENTICESHIP.

**Fourteen days'** notice of an application to assign a contract of service or apprenticeship must be given. (§ 940 Code Crim. Pro.)

### ARBITRATION.

**One year** after an award is made an application for an order confirming it must be made. (§ 2373 Code Civ. Pro.)

**Eight days'** notice of such application must be given. (§§ 780, 2373 Code Civ. Pro.)



**Three months** after award is filed or delivered a motion to vacate or modify it must be made. (§ 2376 Code Civ. Pro.)

**Eight days'** notice of such motion must be given. (§§ 780, 2376 Code Civ. Pro.)

### **Court of Arbitration.**

**Two to five days'** notice of a hearing must be served on the adverse party. (§ 1791 N. Y. City Consol. Act.)

**One hour** after the requisition is returnable it must be filed with the clerk. (§ 1792 N. Y. City Consol. Act.)

**One hour** after the requisition is returnable an additional arbitrator may be appointed by either party. (§ 1793 N. Y. City Consol. Act.)

**Ten days** after the final hearing the award must be filed with the clerk. (§ 1799 N. Y. City Consol. Act.)

### **ARGUMENT.**

**Eight days'** notice of argument is required (§ 780 Code Civ. Pro.; Rule 37, General Rules), but

**Five days'** notice only is required where both attorneys reside in the same city or village (Rule 37, General Rules), and

**Five days'** notice only is required in the City Court of New York. (§ 3161 Code Civ. Pro.)

**Eight days'** notice of argument must be given. (Special Rules, First Department.)

**Five days** before the time for argument a copy of the papers to be used shall be served. (Rule 40, General Rules.)

**Eight days'** notice of argument of an appeal from an order must be given in the Appellate Division, First Department. (Rule 4, App. Div. 1st Dept.)

**Eight days'** notice of argument of an enumerated case must be given in the Appellate Division, First Department. (Rule 5, App. Div. 1st Dept.)

**Four days'** notice must be given in the Appellate Division, Second Department, before bringing to argument an appeal once passed. (Rule 2, App. Div. 2d Dept.)

**Eight days'** notice of argument must be given, in the Appellate Division, Second Department, of an appeal from a judgment of the Municipal Court of New York. (Rules, App. Div. 2d Dept.)

**Ten days'** notice of argument must be given in the Appellate Division, Second Department, of a criminal appeal not regularly placed on the calendar. (Rule 4, App. Div. 3d Dept.)

**Ten days'** notice of argument must be given in the Appellate Division, Third Department, of a criminal appeal not regularly placed on the calendar. (Rule 4, App. Div. 2d Dept.)

**Ten days'** notice of argument must be given in the Appellate Division, Fourth Department, of a criminal appeal not regularly placed on the calendar. (Rule 4, App. Div. 4th Dept.)

**Ten days'** notice of the argument of an appeal in an abandonment proceeding must be given by either party. (§ 689 N. Y. City Charter.)

## ARREST.

### Papers.

**Ten days** after service, the attorney must file petition or affidavit upon which order of arrest has been granted. (Rule 4, General Rules.)

**Ten days** after arrest, if no bail is given, or after the justification of the bail, the sheriff must file with the clerk the order of arrest, undertaking and other papers. (§ 590 Code Civ. Pro.)

### Answer.

**Twenty days** after the arrest of defendant, otherwise than by order of the court, he may answer. (§ 566 Code Civ. Pro.)



### Motion to Vacate.

**Twenty days** after the arrest of a defendant, otherwise than by order of the court, he may apply to vacate the order of arrest or for other form of relief, if he was arrested within twenty days before final judgment. (§ 567 Code Civ. Pro.)

**Twenty days** after the arrest of a defendant where the order of arrest was granted by the court, he may apply to vacate the order of arrest or for other relief. (§ 567 Code Civ. Pro.)

### Bail.

**Three days** after bail is given, the sheriff must deliver to the plaintiff's attorney copies of the order of arrest, return and undertaking. (§ 577 Code Civ. Pro.)

**Ten days** after the receipt thereof by the plaintiff he may except to the sureties. (§ 577 Code Civ. Pro.)

**Ten days** after receipt of the notice of exception the sheriff must give notice of justification. (§ 578 Code Civ. Pro.)

**Five to ten days** thereafter the sureties must justify. (§ 578 Code Civ. Pro.)

**From time to time** the examination of the sureties may be adjourned. (§ 580 Code Civ. Pro.)

**Four days** after receipt of deposit in lieu of bail, the sheriff must pay the same into court. (§ 583 Code Civ. Pro.)

### Judgment and Execution.

**Ten days** after plaintiff may take judgment, except in the case of a court order, he must do so, or defendant will be discharged. (§ 572 Code Civ. Pro.)

**Ten days** after the return of a property execution or **three months** after taking judgment plaintiff must issue an execution against the person. (§ 572 Code Civ. Pro.)

### Decision.

**Twenty days** after submission of an application to obtain, vacate, modify or set aside an order of arrest the court must decide the same. (§ 719 Code Civ. Pro.)

### **In City Court of New York.**

**Ten days** after the arrest of the defendant in the City Court of New York he must demand complaint or serve a copy of his answer as the case requires. (§ 3166 Code Civ. Pro.)

**Five days** after the delivery to the plaintiff's attorney of the order, return, and undertaking, he must except to the sureties. (§ 3168 Code Civ. Pro.)

**Five days** thereafter notice of justification must be given. (§ 3168 Code Civ. Pro.)

**Two to ten days'** notice of justification must be given. (§ 3161 Code Civ. Pro.)

**One day** after his arrest, in marine causes, or immediately if the court is in session, the defendant must be brought into court. (§ 3178 Code Civ. Pro.)

**One day or the next legal day** after the receipt by the sheriff of a deposit in lieu of bail he must pay it into court. (§ 3181 Code Civ. Pro.)

**One day** after arrest, or immediately if the court is in session, the sheriff must make his return. (§ 3184 Code Civ. Pro.)

**One hour** after the return or the opening of the court, the court must wait. (§ 3185 Code Civ. Pro.)

**Six days** after the joinder of issue the case must be appointed for trial, unless both parties assent to a longer time, or a trial by jury being demanded there is no term of the court to be held with six days. (§ 3186 Code Civ. Pro.)

**Three months** from the joinder of issue the trial may be adjourned, and no longer, without the consent of both parties. (§ 3186 Code Civ. Pro.)

### **In Municipal Court of New York.**

**Two days'** notice of an application for discharge from arrest must be given to the plaintiff except upon his appearance before the court, in the Municipal Court of New York. (§ 68 Mun. Ct. Act.)

**Forty-eight hours** and no longer a defendant may be imprisoned under an order of arrest in the Municipal Court of New York unless within that time the trial of the action be commenced. (§ 66 Mun. Ct. Act.)

**Forty-eight hours** only, the trial of an action in the Municipal Court of New York may be adjourned while the defendant is actually in custody under an order of arrest. (§ 193 Mun. Ct. Act.)

### **In Justices' Courts.**

**One hour** after the defendant is brought before the justice, a plaintiff who has been notified must appear. (§ 2899 Code Civ. Pro.)

**Twelve hours** and no longer, a defendant may be kept in custody unless within that time a venire is issued or the trial commenced. (§ 2900 Code Civ. Pro.)

**Two days'** notice of an application to discharge the defendant from arrest must be given. (§ 2901 Code Civ. Pro.)

**Ten days'** undertaking, dating from judgment, must be given by a defendant, who has been arrested, upon motion for adjournment if he desires to be released from custody. (§ 2963 Code Civ. Pro.)

## **ASSAULT AND BATTERY.**

**Two years** after the cause of action accrues, an action to recover damages for assault and battery must be begun. (§ 384 Code Civ. Pro.)

## **ASSESSMENT.**

*See* COSTS; TAX.

## **ASSESSMENT OF DAMAGES.**

**Five days'** notice of assessment of damages by the clerk must be given where the defendant has appeared but has made default in pleading. (§ 1219 Code Civ. Pro.)

**Two days'** notice is required in the City Court of New York. (§ 3161 Code Civ. Pro.)

**Writ of.**

**Three weeks** in succession, once each week, the sheriff must publish notice of the execution of the writ. (§ 2108 Code Civ. Pro.)

**Three months** after the writ and return are filed the attorney-general must publish a notice requiring all interested persons to show cause why the inquisition should or should not be confirmed. (§ 2112 Code Civ. Pro.)

**Sixty days** after the payment of the money into court by the State, if an application is not made therefor, the Appellate Division must provide for its investment. (§ 2117 Code Civ. Pro.)

**ASSIGNMENT.****GENERAL, FOR THE BENEFIT OF CREDITORS.****Inventory.**

**Twenty days** after date of assignment, the debtor must file his inventory. (Laws 1877, ch. 466, § 3.)

**Thirty days** after date of assignment, the assignee must file the inventory if the debtor has failed to do so. (Laws 1878, ch. 318, § 1.)

**Sixty days** further time may be allowed the assignee by the county judge. (Laws 1878, ch. 318, § 1.)

**Advertisement for Claims.**

**Six weeks** in succession, at least once a week, the assignee must advertise for claims to be presented within **thirty days** from the last advertisement. (Laws 1877, ch. 466, § 4.)

**Twenty days** before the day fixed therefor, a notice or copy of an advertisement requiring creditors to present their claims to a referee must be mailed to each creditor. (Special Rules, First Department.)

**Note.** The time fixed as above for mailing notice to creditors is found in Rule 3 of the Rules Regulating the Special Terms, First Department; but in Rule 6, subdivision 30, the time is fixed as thirty days.—Ed.

### Bond of Assignee.

**Thirty days** after date of assignment, assignee must file his bond; if debtor has not filed his inventory within the **twenty days** required, assignee may apply within **ten days** thereafter for leave to file a provisional bond. (Laws 1877, ch. 466, § 5.)

### Sale of Property.

**Ten days'** notice of the sale of **personal** property must be given. (Special Rules, First Department.)

**Twenty days'** notice of the sale of **real** property must be given. (Special Rules, First Department.)

### Removal of Assignee.

**Five days'** notice must be given assignee, assignor, surety and other necessary parties before removing assignee. (Laws 1878, ch. 318, § 2.)

### Death of Assignee.

**Eight days'** notice must be given before substituting personal representative of deceased assignee as his successor. (Laws 1877, ch. 466, § 10.)

### Accounting.

**Any time** after an assignment the assignee may petition the court for an accounting. (Laws 1878, ch. 318, § 3.)

**One year** after an assignment, the court may issue citations for an accounting on the petition of any interested party. (Laws 1878, ch. 318, § 3.)

**Thirty days** before the return day of the citation a copy can be mailed to each creditor, when more than 25 have proved their claims (Laws 1878, ch. 318, § 4), and

**Four weeks'** publication of the citation, once a week, prior to such return day is also required in the latter case. (Laws 1878, ch. 318, § 4.)

**Eight days** before the return day the citation must be personally served within the county or an adjoining county (Laws 1877, ch. 466, § 14), and

**Fifteen days** before the return day in any other county. (Laws 1877, ch. 466, § 14.)

**Six weeks** successively, once a week, the citation must be published, where some persons to be served live without the state or cannot be found (Laws 1877, ch. 466, § 15), and

**Thirty days** before the return day a copy must also be mailed to such persons at their last known place of residence. (Laws 1877, ch. 466, § 15.)

**Thirty days** before the return day, personal service may be made within the United States as a substitute for publication and mailing (Laws 1877, ch. 466, § 16), and

**Forty days** before the return day such service may be made without the United States. (Laws 1877, ch. 466, § 16.)

## ATTACHMENT.

### Absence of Defendant from Country.

**Six months'** absence from the United States next before the granting of the order of publication of the summons against him by an adult defendant resident of the State, who has made no designation of another to be served in his absence, is ground for a warrant of attachment against his property. (§ 636 Code Civ. Pro.)

### Service of Summons.

**Thirty days** after granting of the warrant service of the summons must be made personally or commenced by publication. (§ 630 Code Civ. Pro.)

### Filing Papers and Inventory.

**Ten days** after procuring the warrant the affidavits upon which it was granted must be filed. (§ 639 Code Civ. Pro.; Rule 4, General Rules.)

**Five days** after the levy is made the sheriff must file the inventory. (§ 654 Code Civ. Pro.)



### Motions.

**Two days'** notice of a motion by some or any of the defendants to discharge an attachment must be given. (§ 689 Code Civ. Pro.)

**Twenty days** after any motion hereunder is submitted to the court the same must be decided. (§ 719 Code Civ. Pro.)

### Sureties and Justification.

**Three days** after service of an undertaking on a motion to discharge an attachment, plaintiff must except to the sureties. (§ 690 Code Civ. Pro.)

**Ten days** after service of the notice of exception, defendant must give notice of justification. (§ 690 Code Civ. Pro.)

**Five to ten days** after last-named notice a hearing must be had. (§ 690 Code Civ. Pro.)

**Two days** after receiving the bond of indemnity the sheriff must serve notice of justification of sureties. (§ 658 Code Civ. Pro.)

**Two to five days** thereafter the sureties must justify. (§ 658 Code Civ. Pro.)

### Vessels.

**Thirty days** after a vessel is attached, the court, upon application of her owner or his agent, must appoint appraisers of her value. (§§ 660, 666 Code Civ. Pro.)

**Two days** after such valuation of a **domestic vessel** is returned, the claimant may regain possession by giving the sheriff an undertaking. (§§ 662, 663 Code Civ. Pro.)

**Three days** after such valuation of a **foreign vessel** is returned the plaintiff must give the claimant an undertaking to pay any damages recovered by the latter in an action brought within three months from the approval of the undertaking. (§ 668 Code Civ. Pro.)

**Thirty days** after attachment, if the proper claims to it are not made, the vessel may be sold by order of the court. (§§ 672, 673 Code Civ. Pro.)

**One month** after the defendant is entitled to claim the vessel, if the plaintiff's undertaking is not discharged, or he is not otherwise indemnified, the court may order the vessel sold and the proceeds paid to the persons who executed the undertaking for their indemnity. (§ 671 Code Civ. Pro.)

**Three days'** extension of time may be granted by the court to the plaintiff in which to furnish an undertaking under a second warrant of attachment where the plaintiff failed to give an undertaking under the first warrant to prevent the release of a **foreign vessel**. (§ 701 Code Civ. Pro.)

### **Decision.**

**Twenty days** after submission of an application to obtain, vacate, modify or set aside a warrant of attachment, the court must decide the same. (§ 719 Code Civ. Pro.)

### **In City Court of New York.**

**Six months'** continuous absence from the United States where no designation has been made of a person upon whom process can be served will entitle an applicant to a warrant of attachment. (§ 3169 Code Civ. Pro.)

**Six weeks'** publication of a summons must be made at least once a week where a warrant of attachment has been issued. (§ 3170 Code Civ. Pro.)

**Thirty days** after the granting of the warrant the summons must be personally served or the first publication thereof begun. (§ 3170 Code Civ. Pro.)

### **In Municipal Court of New York.**

**Six months'** continuous absence from the United States is a ground for the issuing of a warrant of attachment in the Municipal Court of New York. (§ 74 Mun. Ct. Act.)

**Six days** before the return day of the summons, a warrant of attachment issued by the Municipal Court of New York must be executed by the marshal, and must be served together with the summons. (§§ 75, 77, 83 Mun. Ct. Act.)



**Twenty-four hours'** notice must be given of an application to vacate or modify a warrant of attachment in the Municipal Court of New York. (§ 89 Mun. Ct. Act.)

**Six months'** undertaking to return property must be given by the defendant to release attachment in the Municipal Court of New York. (§ 84 Mun. Ct. Act.)

**Three months'** undertaking must be given by a person not a party to the action who claims ownership in property attached, in the Municipal Court of New York. (§ 85 Mun. Ct. Act.)

**Two days'** notice of justification of sureties on an undertaking given to discharge an attachment must be given in the Municipal Court of New York. (Rule 16, N. Y. Municipal Court.)

#### **In Justices' Court.**

**Six months'** absence from the United States by a resident of the State will entitle a plaintiff to a warrant of attachment against the property of the absentee. (§ 2906 Code Civ. Pro.)

**Six days** before the return day of the summons the attachment must be executed. (§§ 2907, 2909 Code Civ. Pro.)

**Six days** before the return day of the summons the warrant, inventory and summons must be served upon the defendant. (§ 2910 Code Civ. Pro.)

**Six months'** undertaking may be given by the defendant to release the attachment. (§ 2911 Code Civ. Pro.)

**Three months'** undertaking must be given by a claimant not a party to the action to the effect that he will commence an action to establish the ownership of the property. (§ 2912 Code Civ. Pro.)

#### **ATTORNEY.**

##### **Admission of.**

**Twice**, at least, in each year examinations shall be conducted in each judicial department of all persons applying for admission to practice as attorneys and counselors at law. (§ 56 Code Civ. Pro.)

**Five days** after its adoption a copy of each amendment to the rules touching the admission of attorneys and counselors to practice in courts of record shall be filed in the office of the Secretary of State. (§ 57 Code Civ. Pro.)

**One month** is the limit of imprisonment as punishment for practising as an attorney in the courts of New York city without having been regularly admitted to practice in the courts of record of the State. (§ 64 Code Civ. Pro.)

#### **Death or Disability of.**

**Thirty days** must elapse, after notice to appoint another attorney has been given to a party whose attorney has died or become disabled before further proceedings against such party shall be taken in the action. (§ 65 Code Civ. Pro.)

#### **Satisfaction of Judgment by.**

**Two years** after entering, a satisfaction of judgment may be executed by the attorney of record of the judgment-creditor. (§ 1260 Code Civ. Pro.)

### **BAIL.**

#### **Application for Bail.**

**Two days'** notice to the district attorney of application for admission to bail must be given in cities when the crime charged is a felony. (§§ 560, 571 Code Crim. Pro.)

**Two days'** notice must be given to the committing magistrate requiring him to transmit depositions and statement. (§ 560 Code Crim. Pro.)

#### **Exoneration of Bail.**

**Five days'** notice of an application for the exoneration of bail or for the return of a deposit in lieu of bail must be given to the district attorney. (§§ 590, 592 Code Crim. Pro.)

#### **Remission of Forfeiture.**

**Five days'** notice to district attorney necessary. (§ 598 Code Crim. Pro.)

### Upon Arrest in Civil Action.

**Three days** after bail is given, the sheriff must deliver to the plaintiff's attorney copies of the order of arrest, return and undertaking. (§ 577 Code Civ. Pro.)

**Ten days** after the receipt thereof by the plaintiff he may except to the sureties. (§ 577 Code Civ. Pro.)

**Ten days** after receipt of the notice of exception the sheriff must give notice of justification. (§ 578 Code Civ. Pro.)

**Five to ten days** thereafter the sureties must justify. (§ 578 Code Civ. Pro.)

**From time to time** the examination of the sureties may be adjourned. (§ 580 Code Civ. Pro.)

**Ten days** after arrest, if no bail is given, or after the justification of the bail, the sheriff must file with the clerk the order of arrest, undertaking and other papers. (§ 590 Code Civ. Pro.)

**Four days** after receipt of deposit in lieu of bail, the sheriff must pay the same into court. (§ 583 Code Civ. Pro.)

### Execution Against the Person.

**Fifteen days** after an execution against the person is issued, if returned unexecuted, action may be brought against the bail. (§ 397 Code Civ. Pro.)

**Twenty days** after action is commenced, the court may relieve the bail if defendant is under arrest in a criminal action. (§ 600 Code Civ. Pro.)

### Arrest in City Court of New York.

**Five days** after the delivery to the plaintiff's attorney of the order, return, and undertaking, he must except to the sureties. (§ 3168 Code Civ. Pro.)

**Five days** thereafter notice of justification must be given. (§ 3168 Code Civ. Pro.)

**Two to ten days'** notice of justification must be given. (§ 3161 Code Civ. Pro.)

**One day or the next legal day** after the receipt by the sheriff of a deposit in lieu of bail he must pay it into court. (§ 3181 Code Civ. Pro.)

### **BANKRUPT.**

**One year** after a bankrupt is discharged from his debts he may apply to the court to have a judgment against him cancelled. (§ 1268 Code Civ. Pro.)

**Once a week** for not more than **three weeks**, the notice of application by a bankrupt for the discharge of a judgment against him must be published where the creditor is a non-resident or his residence is unknown, etc. (§ 1268 Code Civ. Pro.)

### **BAR.**

*See* ADMISSION TO BAR.

### **BASTARDS.**

**Thirty days'** adjournment of the examination, and no longer, may be granted by the magistrate on the application of the defendant. (§ 849 Code Crim. Pro.)

**One month** after her delivery a magistrate may commit the mother to jail until she disclose the name of the father. (§ 856 Code Crim. Pro.)

**Ten days'** notice to the proper officers must be given before the court may reduce the amount directed to be paid by father or mother. (§ 859 Code Crim. Pro.)

**Ten days'** notice of appeal from an order in bastardy must be given to the magistrate who made it. (§ 862 Code Crim. Pro.)

### **BATTERY.**

*See* ASSAULT AND BATTERY.

### **BAWDY-HOUSE.**

**Five days** after the receipt of a notice that his house is used as a bawdy-house, the landlord must begin summary proceedings. (§ 2237 Code Civ. Pro.)

**BILL OF PARTICULARS.**

**Ten days** after a written demand therefor has been made, the party pleading an account must deliver to the adverse party a copy of the items thereof. (§ 531 Code Civ. Pro.)

**Three days** after a bill of particulars is ordered in the Municipal Court of New York, the same must be filed. (Rule 6, N. Y. Municipal Court.)

**BIRTH.**

**Ten days** after a birth the same shall be reported to the health department. (§ 1237 N. Y. City Charter.)

**BOARD OF HEALTH.**

*See* HEALTH, BOARD OF.

**BOND.**

**Five days'** notice must be given by surety to principal of application of former to be relieved from liability on bond. (§ 812 Code Civ. Pro.)

**Five days** after the court so orders the principal must file a new bond (§ 812 Code Civ. Pro.), and

**Twenty days** after the court so orders he must make his accounting. (§ 812 Code Civ. Pro.)

**Ten days'** notice of an application by the surety upon his bond to be relieved from liability must be given a trustee, committee or guardian. (Laws 1881, ch. 654, § 3.)

**Thirty days** after a district attorney receives money upon a bond he must pay it to the county treasurer. (§ 1967 Code Civ. Pro.)

**Appeals.**

**Twenty days** after service of an order to that effect a new undertaking must be given. (§ 1308 Code Civ. Pro.)

**Ten days'** notice of the dismissal of the appeal must be given before an action can be brought upon the undertaking. (§ 1309 Code Civ. Pro.)

### **Appeals to Court of Appeals.**

**Ten days** after service of a copy of the undertaking with notice of filing thereof on the appellant's attorney, the latter can except to the sufficiency of the sureties. (§ 1335 Code Civ. Pro.)

**Ten days** after service of such notice of exception the sureties must justify. (§ 1335 Code Civ. Pro.)

**Five days'** notice of justification must be given. (§ 1335 Code Civ. Pro.)

### **Appeals from Surrogates' Court of New York.**

**Ten days** after the filing of the undertaking on appeal from the Surrogates' Court of New York, the respondent may except to the sureties. (Rule 16, N. Y. Surrogates' Court.)

**Ten days** thereafter the sureties must justify. (Rule 16, N. Y. Surrogates' Court.)

**Five days'** notice of such justification must be given. (Rule 16, N. Y. Surrogates' Court.)

### **Appeals from Special Sessions.**

**Five days** after the filing of the undertaking on an appeal from Special Sessions, notice thereof must be served on the district attorney. (§ 754 Code Civ. Pro.)

### **Arrest.**

**Three days** after bail is given, the sheriff must deliver to the plaintiff's attorney copies of the order of arrest, return and undertaking. (§ 577 Code Civ. Pro.)

**Ten days** after the receipt thereof by the plaintiff he may except to the sureties. (§ 577 Code Civ. Pro.)

**Ten days** after receipt of the notice of exception the sheriff must give notice of justification. (§ 578 Code Civ. Pro.)

**Five to ten days** thereafter the sureties must justify. (§ 578 Code Civ. Pro.)

**From time to time** the examination of the sureties may be adjourned. (§ 580 Code Civ. Pro.)

**Attachment.**

**Three days** after service of an undertaking on a motion to discharge an attachment, plaintiff must except to the sureties. (§ 690 Code Civ. Pro.)

**Ten days** after service of the notice of exception, defendant must give notice of justification. (§ 690 Code Civ. Pro.)

**Five to ten days** after last-named notice a hearing must be had. (§ 690 Code Civ. Pro.)

**Two days** after receiving the bond of indemnity the sheriff must serve notice of justification of sureties. (§ 658 Code Civ. Pro.)

**Two to five days** thereafter the sureties must justify. (§ 658 Code Civ. Pro.)

**Two days** after valuation of a **domestic vessel** is returned, the claimant may regain possession by giving the sheriff an undertaking. (§ 662, 663 Code Civ. Pro.)

**Three days** after valuation of a **foreign vessel** is returned the plaintiff must give the claimant an undertaking to pay any damages recovered by the latter in an action brought within three months from the approval of the undertaking. (§ 668 Code Civ. Pro.)

**One month** after the defendant is entitled to claim the vessel, if plaintiff's undertaking is not discharged, or he is not otherwise indemnified, the court may order the vessel sold and the proceeds paid to the persons who executed the undertaking for their indemnity. (§ 671 Code Civ. Pro.)

**Three days'** extension of time may be granted by the court to the plaintiff in which to furnish an undertaking under a second warrant of attachment where the plaintiff failed to give an undertaking under the first warrant to prevent the release of a foreign vessel. (§ 701 Code Civ. Pro.)

**City Court of New York.**

**Two days'** notice of justification of sureties on an undertaking given as security for the defendant's costs must be given. (§§ 3161, 3168 Code Civ. Pro.)



**Two days'** notice of exception to the sureties in such case must be given. (§ 3168 Code Civ. Pro.)

**Five days** after the delivery to the plaintiff's attorney of the order of arrest, return, and undertaking, he must except to the sureties. (§ 3168 Code Civ. Pro.)

**Five days** thereafter notice of justification must be given. (§ 3168 Code Civ. Pro.)

**Two to ten days'** notice of justification must be given. (§ 3161 Code Civ. Pro.)

### Discharge of Lien.

**Five days'** notice of justification of sureties on a bond given to discharge a lien is required. (Lien Law, §§ 18, 20.)

### Execution.

**Two days** after receiving a bond of indemnity the officer must serve notice of justification to be had **two to five days** later. (§ 1419 Code Civ. Pro.)

**Two days** after an undertaking is given to indemnify an officer he must file the same with the clerk. (§ 1419 Code Civ. Pro.)

**Ten days** before judgment by default, an officer must give notice of an action brought against him to all persons liable to be substituted, or he can not subsequently proceed against them. (§ 1427 Code Civ. Pro.)

### Judgment Creditors' Action.

**Two days'** notice of the justification of the sureties to an undertaking given by the defendant to release real estate must be given. (§ 1674 Code Civ. Pro.)

### Justices' Courts.

**Six months'** undertaking may be given by the defendant to release the attachment. (§ 2911 Code Civ. Pro.)



**Three months'** undertaking must be given by a claimant not a party to the action to the effect that he will commence an action to establish the ownership of the property. (§ 2912 Code Civ. Pro.)

**Two days** before the return day the defendant in replevin may except to the plaintiff's sureties. (§ 2924 Code Civ. Pro.)

**Twenty days** after the defendant who has raised a petition that the title to real property will come in question, delivers to the justice a written undertaking, the plaintiff must deposit with the justice a summons and complaint in a new action in the proper court, the undertaking of the defendant being to the effect that within twenty days after the deposit he will admit service thereof. (§ 2952 Code Civ. Pro.)

**Ten days'** undertaking, dated from the recovery of judgment, must be given by the defendant upon motion for adjournment if the plaintiff so demands. (§ 2962 Code Civ. Pro.)

**Ten days'** undertaking, dating from judgment, must be given by a defendant, who has been arrested, upon motion for adjournment if he desires to be released from custody. (§ 2963 Code Civ. Pro.)

**Ten days** after service of a copy of an undertaking on appeal the defendant may except to the sureties. (§ 3050 Code Civ. Pro.)

**Ten days** thereafter the sureties must justify. (§ 3050 Code Civ. Pro.)

**Five days'** notice of justification must be given. (§ 3050 Code Civ. Pro.)

### **Municipal Court of New York.**

**Six months'** undertaking to return property must be given by the defendant to release attachment in the Municipal Court of New York. (§ 84 Mun. Ct. Act.)

**Three months'** undertaking must be given by a person not a party to the action who claims ownership in property attached, in the Municipal Court of New York. (§ 85 Mun. Ct. Act.)

**Two days'** notice of justification of sureties on an undertaking given to discharge an attachment must be given in the Municipal Court of New York. (Rule 16, N. Y. Municipal Court.)

**Two days** before the return day of the summons, in the Municipal Court of New York, the defendant may except to the plaintiff's sureties in an action in replevin. (§ 106 Mun. Ct. Act.)

**Thirty days** after his appointment, each marshal of the Municipal Court of New York shall file his official bond. (§ 301 Mun. Ct. Act.)

**Five days** after the bond of a marshal of the Municipal Court of New York is presented to the city clerk he shall approve or reject the same. (§ 294 Mun. Ct. Act.)

**Ten days** after a marshal of the Municipal Court of New York is notified so to do, he must renew his official bond. (§ 300 Mun. Ct. Act.)

**Eight days'** notice of motion for leave to prosecute the official bond of a marshal of the Municipal Court of New York must be given to the marshal and his sureties. (§ 295 Mun. Ct. Act.)

#### **Receiver.**

**Eight days** before the accounting the receiver must give notice of the same to the sureties on his bond. (§ 715 Code Civ. Pro.)

#### **Replevin.**

**Three days** after a chattel is replevied the defendant may except to the sureties on the undertaking. (§ 1703 Code Civ. Pro.)

**Ten days** after such exception plaintiff must serve notice of justification. (§ 1703 Code Civ. Pro.)

**Three days** after a chattel is replevied the defendant may serve a notice and undertaking requiring a return of the chattel. (§ 1704 Code Civ. Pro.)

**Three days** thereafter defendant must serve notice of justification of the sureties to the undertaking. (§ 1704 Code Civ. Pro.)

**Five to ten days** after service of the notice thereof, justification must be had. (§ 1705 Code Civ. Pro.)

### **Security for Costs.**

**Ten days** after notice of filing of undertaking, defendant must except to sureties. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3161 Code Civ. Pro.)

**Ten days** after exception, notice of justification must be given. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Five to ten days** after notice thereof, justification must be had. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**At any time** court may compel new undertaking. (§ 3276 Code Civ. Pro.)

### **Summary Proceedings.**

**Ten days'** time in which to pay back rent or taxes can be secured by a tenant against whom a final order has been made by giving an undertaking to that effect. (§ 2254 Code Civ. Pro.)

**Six months'** undertaking may be given by a tenant against whom a final order is made for retaining possession of property sold under execution. (§ 2254 Code Civ. Pro.)

### **Surrogates' Court of New York.**

**Five days'** notice must be given of the examination of sureties on a bond executed by an executor, administrator, guardian or trustee (Rule 17, N. Y. Surrogates' Court), **and**

**Five days** after the service of an order to that effect, new sureties must be substituted. (Rule 17, N. Y. Surrogates' Court.)

**Five days** after an order is entered compelling the principal to furnish new sureties upon the application of an interested party, the principal must do so. (§§ 2598, 2601 Code Civ. Pro.)

**Five days** after the return day of a citation issued upon the application of a surety to be released from liability, the surrogate must order him so released. (§ 2601 Code Civ. Pro.)

### BRIEF.

*See PAPERS.*

### BUILDINGS.

**Ten days** after the entry of a decision of the superintendent of buildings in regard to the construction or alteration of a building, an appeal therefrom may be taken. (§ 411 N. Y. City Charter.)

### BURYING-GROUND.

**Three days** before the sale of land set apart as a family burying-ground a notice that exemption is claimed therefor must be recorded. (§ 1396 Code Civ. Pro.)

### CALENDAR.

#### Supreme Court.

**Five days** before the term, the calendar must be ready for distribution. (§ 977 Code Civ. Pro.)

#### Court of Claims.

**Ten days** before a session of the Court of Claims, the clerk shall mail a copy of the calendar to each claimant whose claim appears thereon. (Rule 11, Court of Claims.)

**New York Supreme Court.**

**Two days** before the same is called, a calendar of cases from the general calendar for trial at Special or Trial Term must be published. (Special Rules, First Department.)

**Two days'** notice of motion to correct the general calendar of New York Special Term must be given. (Special Rules, First Department.)

**Two days'** notice of motion to place a cause on the Friday, the preferred or the special calendar, must be given. (Special Rules, First Department.)

**Three days**, a case on the day calendar, may be passed on account of the engagement of counsel. (Special Rules, First Department.)

**Appellate Term.**

**Five days** before the term at which such appeals are heard the clerk shall publish the calendar in the Law Journal. (Special Rules, First Department.)

**CASE.**

*See PAPERS.*

**CERTIORARI.**

**Four months** after the determination to be reviewed becomes final and binding, the writ must be granted and served (§ 2125 Code Civ. Pro.), **but**

**Twenty months** thereafter the Appellate Division of the Supreme Court may grant the writ if, when the determination to be reviewed became final, the relator was within the age of twenty-one years, insane, or imprisoned on a criminal charge for a term less than life. (§ 2126 Code Civ. Pro.)

**Eight days'** notice of application for the writ is required. (§ 2128 Code Civ. Pro.)

**Twenty days** after the service of a writ it must be returnable at the clerk's office. (§ 2123 Code Civ. Pro.)

**CHANGE OF NAME.**

*See* NAME.

**CHANGE OF VENUE.**

*See* TRIAL.

**CHATTEL.**

**Six years** after the cause of action accrues an action to recover a chattel must be begun. (§ 382 Code Civ. Pro.)

**CHILDREN.**

**Five days** after the arrest of a child under the age of sixteen years, final disposition of the case must be made. (§ 665 N. Y. City Charter.)

**CITATION.**

**Sixty days** after the presentation of the petition a citation issued thereupon must be served or the first publication thereof be made. (§ 2517 Code Civ. Pro.)

**Four months** from the issuance thereof a citation must be made returnable. (§ 2519 Code Civ. Pro.)

**Eight days** before the return day a citation must be served in the county or an adjoining county. (§ 2520 Code Civ. Pro.)

**Fifteen days** before the return day it must be served in any other county. (§ 2520 Code Civ. Pro.)

**Ten days** after an order of the surrogate allowing other than personal service upon a resident of the State, such service must be made. (§ 2521 Code Civ. Pro.)

**Six weeks** in succession, once a week, a citation against a non-resident or one whose address is not known, must be published. (§ 2524 Code Civ. Pro.)

**Thirty days** before the return day of the citation service personally or by mail must be made without the State, but within the United States (§ 2525 Code Civ. Pro.), **but**

**Forty days** before the return day such service must be made without the United States. (§ 2525 Code Civ. Pro.)

**CITY.**

*See* ACTION AGAINST CITY; CLAIM AGAINST CITY.

**CITY COURT OF NEW YORK.****Appearance.**

**Six days** after the summons is served the defendant must appear. (§ 3165 Code Civ. Pro.)

**Two days** after the service of the summons, where some of the parties reside without the city, the defendant may be required to appear by order of the court. (§ 3165 Code Civ. Pro.)

**Ten days** after service of summons without the city of New York or by publication, the defendant must appear. (§ 3165 Code Civ. Pro.)

**Pleadings.**

**Within the same time** as the defendant is required by the summons to serve his answer, each pleading must be served. (§ 3166 Code Civ. Pro.)

**Two days'** extension of time to answer may be granted without notice. (Rule 14, N. Y. City Court.)

**Notices.**

**Two days'** notice of justification of sureties on an undertaking given as security for the defendant's costs must be given. (§§ 3161, 3168 Code Civ. Pro.)

**Two days'** notice of exception to the sureties in such a case must be given. (§ 3168 Code Civ. Pro.)

**Two days'** notice must be given of an application for judgment upon a frivolous pleading, or to strike out a sham pleading, or for a judgment upon the defendant's default, or the execution of a reference or writ of inquiry or of an assessment thereupon. (§ 3161 Code Civ. Pro.)

**Four days'** notice of motions other than those last specified must be given. (§ 3161 Code Civ. Pro.)

**Five days'** notice of argument is necessary. (§ 3161 Code Civ. Pro.)



**Two to ten days'** notice of the justification of bail must be given. (§ 3161 Code Civ. Pro.)

**Five days'** notice of trial, of the hearing of an appeal, or of any other hearing not heretofore specified, must be given. (§ 3161 Code Civ. Pro.)

**Five days'** notice of trial of **mechanic's lien** cases must be given. (Rule 19, N. Y. City Court.)

**Two days'** notice of taxation of costs must be given (§ 3161 Code Civ. Pro.), **but**

**One days'** notice is sufficient if all the persons have their offices in the city of New York. (§ 3161 Code Civ. Pro.)

**Two days** before the term a note of issue must be filed. (§ 3162 Code Civ. Pro.)

#### **Arrest and Bail.**

**Ten days** after the arrest of the defendant he must demand complaint or serve a copy of his answer as the case requires. (§ 3166 Code Civ. Pro.)

**Five days** after the delivery to the plaintiff's attorney of the order, return, and undertaking, he must except to the sureties. (§ 3168 Code Civ. Pro.)

**Five days** thereafter notice of justification must be given. (§ 3168 Code Civ. Pro.)

**Two or ten days'** notice of justification must be given. (§ 3161 Code Civ. Pro.)

#### **Arrest and Bail in Marine Causes.**

**One day** after his arrest, or immediately if the court is in session, the defendant must be brought into court. (§ 3178 Code Civ. Pro.)

**One day** or the next legal day after the receipt by the sheriff of a deposit in lieu of bail he must pay it into court. (§ 3181 Code Civ. Pro.)

**One day** after arrest, or immediately if the court is in session, the sheriff must make his return. (§ 3184 Code Civ. Pro.)



**One hour** after the return or the opening of the court, the court must wait. (§ 3185 Code Civ. Pro.)

**Six days** after the joinder of issue the case must be appointed for trial, unless both parties assent to a longer time, or a trial by jury being demanded there is no term of the court to be held within six days. (§ 3186 Code Civ. Pro.)

**Three months** from the joinder of issue the trial may be adjourned, and no longer, without the consent of both parties. (§ 3186 Code Civ. Pro.)

#### **Execution against the Person.**

**Fifteen days** a defendant may be imprisoned under an execution against the person in an action for wages earned by a female employee. (§ 3167 Code Civ. Pro.)

#### **Attachment.**

**Six months'** continuous absence from the United States where no designation has been made of a person upon whom process can be served will entitle an applicant to a warrant of attachment. (§ 3169 Code Civ. Pro.)

**Six weeks'** publication of a summons must be made at least once a week where a warrant of attachment has been issued. (§ 3170 Code Civ. Pro.)

**Thirty days** after the granting of the warrant the summons must be personally served or the first publication thereof begun. (§ 3170 Code Civ. Pro.)

#### **Decision.**

**Ten days** after the case is finally submitted to the court the decision must be filed. (§ 3173 Code Civ. Pro.)

**Ten days** after an appeal is perfected the justice must file, if so required, a special decision, stating separately the facts found and the conclusions of law. (§ 3173 Code Civ. Pro.)

#### **Calendar.**

**Four days'** notice of a motion to place a cause on the **special calendar** must be given. (Rule 2, N. Y. City Court.)

**Two days** before the trial day, an order placing a cause on the special calendar, shall be filed with the clerk. (Rule 2, N. Y. City Court.)

**Two days'** notice of motion to put case marked down as reserved generally upon day calendar must be given. (Rule 17, N. Y. City Court.)

**Two days'** notice of motion to set down for trial an action in which a new trial is ordered must be given. (Rule 17, N. Y. City Court.)

#### **Supplementary Proceedings.**

**Three days** after granting the same, an order to punish for contempt in supplementary proceedings must be returnable. (Rule 16, N. Y. City Court.)

#### **Appeals to General Term.**

**Ten days** after service of a copy of the judgment or order appealed from, an appeal to the General Term of the court may be taken. (§ 3190 Code Civ. Pro.)

#### **Appeals to Appellate Term.**

**Twenty days** after the service of a copy of the judgment or order appealed from, an appeal to the Supreme Court may be taken. (§ 3193 Code Civ. Pro.)

**Ten days** after service of a notice of appeal from the City Court the appellant must cause the return to be filed and printed copies served. (Special Rules, First Department.)

**Eight days** before the term, the return from the court below must be filed with the clerk. (Special Rules, First Department.)

**Eight days** before the term an affidavit must be filed with the clerk that three copies of the return from the City Court have been served on the respondent. (Special Rules, First Department.)

**Five days'** notice of motion to compel a return by attachment must be given. (Special Rules, First Department.)

**Five days'** notice of motion to dismiss an appeal must be given. (Special Rules, First Department.)

**Two days'** notice must be given of the settlement of proposed orders. (Special Rules, First Department.)

**Eight days'** notice of argument must be given. (Special Rules, First Department.)

**Five days** before the term at which such appeals are heard the clerk shall publish the calendar in the Law Journal. (Special Rules, First Department.)

#### Miscellaneous Provisions.

**Three weeks** in succession before a term is held in pursuance thereof, an appointment of terms for the City Court of New York must be published. (§ 325 Code Civ. Pro.)

**Three days** after the first day of each month, the clerk of the City Court of New York must render to the comptroller an account of all fees received by him during the preceding month; and he must at the same time pay the same into the treasury of the city. (§ 331 Code Civ. Pro.)

**Ten days** is the period during which an officer of the City Court of New York may be suspended by a justice thereof. (§ 337 Code Civ. Pro.)

#### CLAIM AGAINST CITY.

**Thirty days** after a claim against the city is presented to the comptroller an action thereupon may be begun. (§ 261 N. Y. City Charter.)

#### CLAIM AGAINST STATE.

*See COURT OF CLAIMS.*

#### COMMISSION.

**Two days** before the day on which the witness is commanded to appear before a commissioner appointed to take testimony for use without the State, the subpoena must be served upon him (Rule 17, General Rules), **but**

**Five days'** service is required where the witness is commanded to produce books or papers. (Rule 17, General Rules.)

**Ten days** after the entry of the order, allowing a commission to take testimony without the State, the interrogatories must be served. (Rule 20, General Rules.)

**Ten days** thereafter, the cross-interrogatories must be served. (Rule 20, General Rules.)

**Two days** thereafter, notice of settlement must be served (Rule 20, General Rules), and

**Two to ten days** after service of notice thereof the settlement must be had. (Rule 20, General Rules.)

#### **In Criminal Action.**

**Five days'** notice to district attorney of application necessary. (§ 642 Code Crim. Pro.)

**Two days'** notice of settlement of interrogatories must be given by either party. (§ 645 Code Crim. Pro.)

#### **In Justices' Court.**

**Six days'** notice of an application for the commission must be given where such application is made after the joinder of issue. (§ 2982 Code Civ. Pro.)

#### **In Municipal Court of New York.**

**Three days'** notice of the application for the appointment of a commission to take testimony must be given in the Municipal Court of New York. (§ 207 Mun. Ct. Act.)

#### **COMMITTEE.**

**Ten days** after the appointment of a committee an order of the court restraining persons who have acquired property without adequate consideration from the alleged incompetent person, from disposing of said property in any way, may be continued. (§ 2327 Code Civ. Pro.)

**Five years'** lease of real property may be given by a committee without direction of the court. (§ 2339 Code Civ. Pro.)

**Ten days'** notice of an application by the surety upon his bond to be relieved from liability must be given a trustee, committee or guardian. (Laws 1881, ch. 654, § 3.)

#### **Account of.**

**Once each year** in January, a committee of property must file an inventory and account. (§ 2341 Code Civ. Pro.)

**Once each year** in February, the courts must examine all accounts and inventories filed by committees. (§ 2342 Code Civ. Pro.)

**Three months** after the entry of an order directing a committee to file his account if the committee fails to obey, the court may take steps for his removal. (§ 2342 Code Civ. Pro.)

#### **COMPLAINT.**

**Twenty days** after a written demand has been made for a copy of the complaint the same must be served upon the defendant. (§ 479 Code Civ. Pro.)

**Twenty days** after a pleading is served, or at any time before the period for answering it expires, the pleading may be once amended as of course. (§ 542 Code Civ. Pro.)

**Twenty days** after a pleading is amended it may be demurred to or answered. (§ 543 Code Civ. Pro.)

**Ten days** after service each pleading must be filed with the clerk. (§ 824 Code Civ. Pro.)

**Five days'** notice must be given to the adverse party of an application to strike out a pleading as frivolous. (§ 537 Code Civ. Pro.)

**Ten days** after the arrest of the defendant in the City Court of New York he must demand complaint or serve a copy of his answer as the case requires. (§ 3166 Code Civ. Pro.)

#### **COMPROMISE.**

*See OFFER OF JUDGMENT.*

**CONDEMNATION OF REAL PROPERTY.**

**Eight days** before the presentation of the petition it must be served on the owners of the property. (§ 3361 Code Civ. Pro.)

**Six weeks'** publication, once a week, in two newspapers, of the petition and notice is required. (§ 3362 Code Civ. Pro.)

**Three months** after the order of service is granted a non-resident defendant must be served or the first publication of the petition and notice be made. (§ 3362 Code Civ. Pro.)

**Twenty days** after the case is submitted the court or referee shall file decision. (§ 3367 Code Civ. Pro.)

**Eight days'** notice of the appointment of commissioners must be given. (§ 3369 Code Civ. Pro.)

**Eight days'** notice of each meeting of the commissioners must be given. (§ 3370 Code Civ. Pro.)

**Ten days** after service of an offer to purchase by the plaintiff, it must be filed with the county clerk. (§ 3372 Code Civ. Pro.)

**Thirty days** after the entry of the final order the plaintiff may prove to abandon the proceeding. (§ 3374 Code Civ. Pro.)

**Eight days'** notice of such motion must be given. (§ 3374 Code Civ. Pro.)

**Thirty days** after service of a copy of the final order an appeal must be taken. (§§ 3375, 3376 Code Civ. Pro.)

**Three years** after telegraph or telephone poles and wires have been erected, if any action or proceeding brought on account thereof has been stayed, the allowance of costs in condemnation proceedings is in the discretion of the court. (§ 3379 Code Civ. Pro.)

**Acquisition of Lands in New York City.**

**Thirty days'** notice must be given the comptroller of New York city of proceedings to acquire real estate on behalf of the city. (§ 149 N. Y. City Charter.)



**Ten days'** publication of notice of an application for the appointment of commissioners of estimate and appraisal is required. (§ 1437 N. Y. City Charter.)

**Ten days'** notice, by publication and by service, of the appointment of commissioners shall be given such parties as have appeared. (§ 1437 N. Y. City Charter.)

**Ten days** before proof of value of the lands sought to be acquired is submitted to the commissioners, a written offer of terms of sale must have been filed by the owner to entitle him to costs where the award exceeds the offer. (§ 1436c N. Y. City Charter.)

**Ten days'** notice of an application for the appointment of a new commissioner to fill a vacancy shall be given to all parties who have appeared. (§ 1443 N. Y. City Charter.)

**Six months** after the commissioners have filed their oaths, they shall present their report to the court. (§ 1438 N. Y. City Charter.)

**Six months** after the filing of the oath of the commissioners, if a resolution to that effect were passed before the appointment of the commissioners, title to the property shall vest in the city (§ 1439 N. Y. City Charter), **but**

**Two months** after the passing of the resolution such title shall vest if the same were passed after the appointment of the commissioners. (§ 1439 N. Y. City Charter.)

**Ten days'** publication of notice of deposit of the report of the commissioners is required. (§ 1440 N. Y. City Charter.)

**Ten days** after the first publication of such notice, objections to the report must be filed. (§ 1440 N. Y. City Charter.)

**Ten days** after the report of the commissioners is filed, notice of the presentation of the same for confirmation shall be given. (§ 1438 N. Y. City Charter.)

**Ten days'** publication of said notice is required. (§ 1438 N. Y. City Charter.)

**Five days** before presentation, said notice shall be served on those parties who have appeared. (§ 1438 N. Y. City Charter.)

**Ten days** after the entry of the order confirming the report of the commissioners, a copy thereof must be filed in the county in which the land to be acquired is located. (§ 1438b N. Y. City Charter.)

**Twenty days** after notice of confirmation of the report of the commissioners any interested party may appeal to the Appellate Division. (§ 1442 N. Y. City Charter.)

**Two months** after the confirmation of the report, the city shall pay the awards with interest. (§ 1440 N. Y. City Charter.)

**Five days'** notice of the taxation of the fees and expenses of the proceeding shall be given the corporation counsel. (§ 1447 N. Y. City Charter.)

#### **Water Supply in New York City.**

**Three weeks'** publication, once a week, is required of notice of a hearing by the board of estimate and apportionment respecting the acquisition by the city of real estate for the purposes of its water supply. (§ 486 N. Y. City Charter.)

**Six weeks'** publication, once a week, is required of a notice of the presentation of a petition for the appointment of commissioners to estimate the damages to be paid by the city in acquiring property for water supply (§ 491 N. Y. City Charter), and

**Six weeks** before said application notice thereof must also be posted. (§ 491 N. Y. City Charter.)

**Ten days'** notice, by publication, must be given of an application for the appointment of a commissioner to fill a vacancy. (§ 495 N. Y. City Charter.)

**One year** after the appointment of commissioners of appraisal, interested parties must present their claims. (§ 502 N. Y. City Charter.)

**Ten days** after the report of the commissioners is filed, the corporation counsel shall give notice of an application to confirm the same (§ 498 N. Y. City Charter), and



**Four weeks**, once a week, such notice must be published. (§ 498 N. Y. City Charter.)

**Twenty days** after confirmation of the report of the commissioners, either party may appeal therefrom. (§ 505 N. Y. City Charter.)

**Four months** after the confirmation of the report of the commissioners, the awards made therein shall be paid by the city. (§ 500 N. Y. City Charter.)

**Five days'** notice must be given the corporation counsel of the taxation of the costs and expenses of the proceedings. (§ 508 N. Y. City Charter.)

#### Wharf Property in New York City.

**Four months** after the filing of the oaths of the commissioners appointed in proceedings to acquire wharf property, the title to the property shall vest in the city. (§§ 823, 824 N. Y. City Charter.)

#### CONSTABLE.

**Three years** after the cause of action accrues an action against a constable upon a liability incurred by him in doing an official act or by the omission of an official duty, except an escape, must be begun. (§ 383 Code Civ. Pro.)

#### CONTEMPT.

**Six months'** imprisonment and until the fine is paid is the punishment for a contempt in a court of record (§ 2285 Code Civ. Pro.), but

**Thirty days** is the limit of imprisonment for a criminal contempt; except that to a definite sentence of **thirty days** may be added a period not exceeding **thirty days** for nonpayment of a fine. (§ 9 Code Civ. Pro.)

**Three months'** imprisonment may be imposed for contempt in the non-payment of alimony or counsel fees in a divorce case where the amount to be paid is less than \$500. (§ 111 Code Civ. Pro.)

**Six months'** imprisonment may be imposed where the amount is over \$500. (§ 111 Code Civ. Pro.)

**Three days** after granting the same, an order to punish for contempt in supplementary proceedings instituted in the City Court of New York must be returnable. (Rule 16, N. Y. City Court.)

**Five days'** imprisonment for contempt may be imposed in Justices' Courts (§ 2871 Code Civ. Pro.), but

**Ten days'** further imprisonment may be added in Justices' Courts, for non-payment of fine. (§ 2871 Code Civ. Pro.)

**Ten days** after conviction for contempt in Justices' Courts, the record of conviction must be filed by the justice. (§ 2873 Code Civ. Pro.)

**Ten days** after the receipt of the fine for contempt imposed in Justices' Courts, the officer receiving must pay the money for the benefit of the poor. (§ 2875 Code Civ. Pro.)

**Thirty days'** imprisonment for contempt of court may be imposed by a justice of the Municipal Court of New York. (§ 5 Mun. Ct. Act.)

## CONTRACT.

### Action Upon.

**Six years** after the cause of action accrues an action upon a contract other than a judgment or a sealed instrument, must be begun. (§ 382 Code Civ. Pro.)

### In New York City.

**Ten days** at least a notice to submit bids on any contract must be published. (§ 419 N. Y. City Charter.)

**Five days** after notice that the contract has been awarded, the contractor must accept the same. (§ 419 N. Y. City Charter.)

**Five days** after the execution of a contract, copies thereof must be filed in the department of finance. (§ 419 N. Y. City Charter.)

**Three days** after the awarding of a contract, the comptroller shall return all deposits to unsuccessful bidders. (§ 420 N. Y. City Charter.)

**Five days** after the acceptance of work performed under a contract, the borough president shall file with the comptroller a final certificate of the completion and acceptance thereof. (§ 421 N. Y. City Charter.)

**Thirty days** after work under a contract is accepted by the city, the comptroller must pay the contractors the amount due them thereunder. (§ 422 N. Y. City Charter.)

### CONTRIBUTION.

**Twenty days** after payment of a judgment by one judgment debtor he may, in order to preserve the judgment for the purposes of enforcing contribution, file an affidavit of the amount paid and his claim for reimbursement of a part thereon. (§ 1485 Code Civ. Pro.)

### CO-RESPONDENT.

**Twenty days** after service of the pleading of either party in an action for divorce upon the co-respondent, he may appear to defend such action. (§ 1757 Code Civ. Pro.)

**Ten days** after the co-respondent in an action for divorce demands a copy of the summons and complaint, the plaintiff's attorney must serve the same. (§ 1757 Code Civ. Pro.)

### CORONER.

**Three years** after the cause of action accrues an action against a coronor for the non-payment of money collected upon an execution must be begun. (§ 383 Code Civ. Pro.)

**One year** after the cause of action accrues against a coroner upon a liability incurred by him in doing an official act or by the omission of an official duty, except the non-payment of money collected upon an execution, such action must be begun. (§ 385 Code Civ. Pro.)

**Thirty days** after an inquest upon a dead body the coroner must deliver to the county treasurer any money or other property found upon the body. (§ 785 Code Crim. Pro.)

**Thirty days** after the receipt of such property by the treasurer, he must sell it at public auction. (§ 786 Code Crim. Pro.)

**Six years** is the limit of time within which such money may be demanded of the county treasurer by the legal representatives of the deceased. (§ 787 Code Crim. Pro.)

## CORPORATION.

### Action Against Municipal Corporation.

**Ten days** before the commencement of an action against a municipal corporation, the claim must be presented to the proper board or officer thereof, or costs cannot be awarded to the plaintiff. (§ 3245 Code Civ. Pro.)

### Voluntary Dissolution.

**Three months** at least after the granting of an order to show cause why the corporation should not be dissolved it must be returnable. (§ 2423 Code Civ. Pro.)

**Ten days** after the order is made it must be entered and the papers filed. (§ 2423 Code Civ. Pro.)

**Three weeks** in succession, once a week, before the return day the order must be published (§ 2425 Code Civ. Pro.), but

**Forty days** before the return day such service may be made by mail. (§ 2425 Code Civ. Pro.)

### Action to Procure Dissolution.

**One year** after a corporation has remained insolvent or neglected to pay its debts an action to procure its dissolution may be begun by the attorney-general. (§ 1785 Code Civ. Pro.)

**Sixty days** after the stockholder or creditor presents a statement to the attorney-general showing ground for such an action, if the attorney-general neglects to bring the action the creditor or stockholder may apply to the court for leave to bring it. (§ 1786 Code Civ. Pro.)

**Four weeks'** publication in the State paper of the judgment annulling a corporation is necessary. (§ 1803 Code Civ. Pro.)

**Six months** after the first publication of an order to that effect creditors of the corporation must exhibit and prove their claims and make themselves parties to the action. (§ 1807 Code Civ. Pro.)

#### **Foreclosure of Mortgage.**

**Thirty days** after the mortgage debt of the corporation or the interest thereupon was payable and has remained unpaid an action can be brought for the foreclosure of the mortgage. (§ 1810 Code Civ. Pro.)

#### **Sale of Real Property.**

**Eight days'** notice of the application must be given personally to all interested parties. (§ 3395 Code Civ. Pro.)

**Sixteen days'** notice must be given by mail. (§ 3395 Code Civ. Pro.)

#### **Receiver of Corporation.**

**Every six months** the receiver of an insurance, banking or railroad corporation or trust company must file a report with the Supreme Court, the bank or insurance superintendent, and the attorney-general. (Laws 1883, ch. 378, § 4, as amended).

**Eight days'** notice of filing such report shall be served on the attorney-general. (Id.)

**Once a year** the attorney-general shall examine the accounts of such receiver. (Id.)

**Thirty days** after the receiver of an insolvent corporation is required to file a report, the attorney-general may move to compel him to do so. (Laws 1880, ch. 537, § 2.)

**Three weeks**, receivers appointed in a proceeding for the voluntary dissolution of a corporation shall publish notice of their appointment. (R. S. Part III, ch. 8, t. 4, § 70.)

**Four months** after their appointment, such receivers must call a meeting of the creditors. (Id. § 74.)

**One year** after declaring the first dividend, and

**Sixteen months** after appointment, such receivers shall make a second dividend. (Id. § 80.)

**Three weeks'** publication of the notice of such second dividend is required. (Id. § 80.)

**Three months** after the second dividend the receivers must render their account. (Id. § 86.)

**Three weeks'** publication of notice of filing such account is required. (Id. § 87.)

**Eight days'** notice of an order or judgment of the court in a proceeding pending for the dissolution of a corporation must be served on the attorney-general. (Laws 1882, ch. 331, § 2; Laws 1883, ch. 378, § 8.)

**Every three months**, beginning January 1 of each year, a receiver appointed under § 1788 of the Code must render an account. (R. S. Part III, ch. 8, t. 4, § 42.)

### **Criminal Proceedings Against.**

**Ten days** at least after the issuing thereof upon information the summons must be returnable before the magistrate. (§ 675 Code Crim. Pro.)

**Five days** before the return day the summons must be served. (§ 677 Code Crim. Pro.)

**Five days** at least after the issuing thereof after indictment the summons must be returnable in court. (§ 681 Code Crim. Pro.)

**Four days** before return day the summons must be served. (§ 681 Code Crim. Pro.)

### **Books of Foreign Corporation.**

**Ten days'** notice must be given to the adverse party of an intention to present in evidence a copy of the books instead of the books themselves. (§ 930 Code Civ. Pro.)



**COSTS.**

**Ten days** after service of an order granting costs, unless the order otherwise directs, they must be paid, or the proceedings are stayed. (§ 779 Code Civ. Pro.)

**Ten days** before the commencement of an action against a municipal corporation, the claim must be presented to the proper board or officer thereof, or costs cannot be awarded to the plaintiff. (§ 3245 Code Civ. Pro.)

**Ten days** before the expiration of the six months' time to bring an action thereon after the rejection of a claim by an executor, etc., such executor must file his consent to a determination of such claim by the Surrogate, or costs may be awarded against him. (§ 1836 Code Civ. Pro.)

**Five years** after entry, in an action brought upon a judgment of a justice of the peace, no costs can be recovered, unless the said justice is dead, out of office, incapable of acting, or removed from the county, or unless one of the parties has died or unless the docket is lost or destroyed. (§ 3154 Code Civ. Pro.)

**Taxation.**

**Two days'** notice of taxation must be given if attorneys have their offices in city or town. (§ 3263 Code Civ. Pro.)

**Five days'** notice is necessary otherwise. (§ 3263 Code Civ. Pro.)

**Two days'** notice of adjustment of costs must be given. (Rule 22, N. Y. Surrogate's Court.)

**Two days'** notice of taxation of costs must be given in the City Court of New York (§ 3161 Code Civ. Pro.), but

**One days'** notice is sufficient if all the persons have their offices in the city of New York. (§ 3161 Code Civ. Pro.)

**Five days** after the entry of judgment in the Municipal Court of New York, the taxation of costs may be reviewed (§ 342 Mun. Ct. Act.), and

**Two days'** notice of such review must be given. (§ 342 Mun. Ct. Act.)

### Security for Costs.

**Ten days** after notice of filing of undertaking, defendant must except to sureties. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Ten days** after exception, notice of justification must be given. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Five to ten days** after notice thereof, justification must be had. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3161 Code Civ. Pro.)

**At any time** court may compel new undertaking. (§ 3276 Code Civ. Pro.)

### COUNTER-CLAIM.

**Ten days** before the beginning of the term, a counter-claim must be filed and served. (Rule 4, Court of Claims.)

**Twenty days** after service of a counter-claim, a verified reply thereto must be filed, unless the counter-claim was served within **ten days** before the beginning of the term at which the claim is to be heard. (Rules 4, 8, Court of Claims.)

**Ten days'** notice to dismiss a claim or counter-claim must be given. (Rule 9, Court of Claims.)

### COUNTY COURT.

**Three weeks** in succession before a **civil** term is held and **four weeks** in succession before a **criminal** term is held, the appointment thereof by the county judge must be published. (§ 356 Code Civ. Pro.; § 45 Code Crim. Pro.)

### COUNTY TREASURER.

#### As Administrator.

**Ten days** after the county treasurer takes charge of the property he must return an inventory thereof to the surrogate. (§ 2665 Code Civ. Pro.)



**Ten days** longer such time for making the return may be extended by the surrogate. (§ 2665 Code Civ. Pro.)

**Three months'** publication of an order of the surrogate for persons claiming the right of administration to appear must be made. (§ 2666 Code Civ. Pro.)

**Six months** at least after the first publication such claims must be interposed. (§ 2666 Code Civ. Pro.)

**Ten days'** notice of any such claim must be served on the county treasurer. (§ 2666 Code Civ. Pro.)

**Once each year** the county treasurer must render an account to the comptroller of his proceedings in respect to any estate which he has administered. (§ 2668 Code Civ. Pro.)

**Three weeks'** publication of such account or statement must be made. (§ 2668 Code Civ. Pro.)

## COURT.

*See* TERMS OF COURT.

## COURT OF APPEALS.

### Fees Received.

**Twice each year** the clerk must pay all fees received to the comptroller. (§ 3283 Code Civ. Pro.)

### Time in Which to Appeal.

**One year** after judgment is entered in the court below an appeal to the Court of Appeals must be taken. (§ 1325 Code Civ. Pro.)

**Sixty days** after service of an order granted in the court below an appeal therefrom to the Court of Appeals must be taken. (§ 1325 Code Civ. Pro.)

### Return on Appeal.

**Twenty days** after an appeal is perfected the appellant must file the return. (§ 1315 Code Civ. Pro.)

**Ten days** after the service of a notice by the respondent upon an appellant requiring him to file his return he must do so or the appeal will be dismissed. (Rule 1, Court of Appeals.)

### Undertaking on Appeal.

**Ten days** after service of a copy of the undertaking with notice of filing thereof on the appellant's attorney, the latter can except to the sufficiency of the sureties. (§ 1335 Code Civ. Pro.)

**Ten days** after service of such notice of exception the sureties must justify. (§ 1335 Code Civ. Pro.)

**Five days'** notice of justification must be given. (§ 1335 Code Civ. Pro.)

### Case and Points.

**Forty days** after the appeal is perfected the appellant must serve three copies of the case on the respondent's attorney. (Rule 6, Court of Appeals.)

**Ten days** after service of a notice by a respondent requiring the appellant to serve such copies, if he fails to do so the appeal will be dismissed. (Rule 6, Court of Appeals.)

**Twenty days** before a case is placed on the day calendar an appellant shall file with the clerk sixteen copies of the case and sixteen copies of his points, and serve on the respondent three copies of his points. (Rule 7, Court of Appeals.)

**Ten days** after such service the respondent shall file with the clerk sixteen copies and serve on the appellant three copies of his points. (Rule 7, Court of Appeals.)

**Five days** after the latter service the appellant may file with the clerk sixteen copies and serve on the respondent three copies of points in reply. (Rule 7, Court of Appeals.)

**Two days** before a case shall be placed on the day calendar where it is to be argued the first two weeks of any term commencing next after the making of a new calendar the party shall file the papers and serve or exchange the points. (Rule 7, Court of Appeals.)

### Criminal Causes.

**Ten days'** notice must be given of the placing of a criminal cause upon the calendar, and bringing it on for hearing as a preferred case where it was not placed upon the regular calendar. (Rule 9, Court of Appeals.)

**Time of Argument.**

**Two hours** may be occupied by either counsel in the argument of a cause. (Rule 13, Court of Appeals.)

**Twenty minutes** may be occupied by appellant's counsel in the argument of an appeal from an order. (Rule 13, Court of Appeals.)

**Fifteen minutes** may be occupied by respondent's counsel in the argument of an appeal from an order. (Rule 13, Court of Appeals.)

**Dismissal.**

**Ten days** after dismissal application must be made to restore such appeal. (Rule 15, Court of Appeals.)

**Affirmance by Default.**

**Ten days** after notice of affirmance is served on the appellant the remittitur may be sent to the court below. (Rule 17, Court of Appeals.)

**COURT OF CLAIMS.****Jurisdiction of.**

**Two years** before private claim against the State is filed it must have accrued to give Court of Claims jurisdiction. (§ 264 Code Civ. Pro.)

**Note of Issue.**

**Twenty days** before a session of the Court of Claims a note of issue must be filed with the clerk. (Rule 10, Court of Claims.)

**Calendar.**

**Ten days** before a session of the Court of Claims, the clerk shall mail a copy of the calendar to each claimant whose claim appears thereon. (Rule 11, Court of Claims.)

**Pleadings.**

**Ten days** after a claim is filed, twelve copies thereof must be delivered to the clerk. (Rule 7, Court of Claims.)

**Ten days** before the beginning of the term, a counter-claim must be filed and served. (Rule 4, Court of Claims.)

**Twenty days** after service of a counter-claim, a verified reply thereto must be filed, unless the counter-claim was served within **ten days** before the beginning of the term at which the claim is to be heard. (Rules 4, 8, Court of Claims.)

### Notices.

**Twenty days'** notice of the hearing of a claim must be given the attorney-general. (Rule 10, Court of Claims.)

**Ten days'** notice to dismiss a claim or counter-claim must be given. (Rule 9, Court of Claims.)

### Judgment.

**Ten days** after entry of judgment of Court of Claims clerk shall serve copies on claimant and attorney-general. (§ 269 Code Civ. Pro.)

**Twenty days** after comptroller is authorized to issue his warrant for the payment thereof, or after an appropriation is available for the reimbursement of a trust fund or sinking fund of the State where the judgment is paid therefrom, a judgment of the Court of Claims draws interest. (§ 269 Code Civ. Pro.)

### Appeals.

**Thirty days** after service of order or judgment of the Court of Claims, an appeal therefrom must be taken. (§ 276 Code Civ. Pro.; Rule 24, Court of Claims.)

**Ten days** after service of a case on appeal, amendments thereto may be proposed and served. (§ 277 Code Civ. Pro.; Rule 25, Court of Claims.)

**Ten days** after service of proposed amendments, notice of settlement must be served. (§ 277 Code Civ. Pro.; Rule 25, Court of Claims.)

**Five days'** notice of settlement is required. (§ 277 Code Civ. Pro.; Rule 25, Court of Claims.)

**Ten days** after a case on appeal is settled, it must be filed with the clerk. (Rule 26, Court of Claims.)

**Fourteen days'** notice of hearing as preferred cause an appeal from judgment of Court of Claims must be given. (§ 278 Code Civ. Pro.)

## CREDITORS.

### Action for Collective Benefit of.

**Three weeks** in succession, once a week, the notice of a direction by the court for outside persons to present their demands must be published. (§ 786 Code Civ. Pro.)

### Judgment Creditors' Action.

**Two days'** notice of the justification of the sureties to an undertaking given by the defendant to release real estate must be given. (§ 1674 Code Civ. Pro.)

**Sixty days'** earnings next before the commencement of the action are exempt from levy and sale under execution. (§ 1879 Code Civ. Pro.)

## CRIMINAL ACTION.

### Limitation of Action.

**Five years** after the commission of a felony other than murder, or **two years** after the commission of a misdemeanor, is the limit of time within which an indictment therefor may be found; but time during which defendant is out of the State is not a part of such limitation. (§ 142 Code Crim. Pro.)

**Any time** after the death of the person killed a prosecution for murder may be commenced. (§ 141 Code Crim. Pro.)

### Examination by Magistrate.

**Two days** and no longer, unless by consent or on motion of the defendant, may an examination be adjourned. (§ 191 Code Crim. Pro.)

**Two days** after demand the magistrate must furnish the defendant a copy of the depositions and statement, or permit him to make a copy. (§ 206 Code Crim. Pro.)

**Five days** after a defendant is discharged or held to answer the magistrate must return the depositions and other papers to the court having power to inquire by the intervention of a grand jury into the offense charged. (§ 221 Code Crim. Pro.)

**Two days** before such an examination on behalf of the people, a copy of the order, with notice of the time and place, shall be served on the defendant. (§ 219 Code Crim. Pro.)

### **Answering Indictment.**

**One day** must be allowed defendant to answer the indictment. (§ 311 Code Crim. Pro.)

### **Removal of Action.**

**Ten days'** notice must be given the district attorney of an application for an order of removal. (§ 346 Code Crim. Pro.)

### **Bail.**

**Two days'** notice to the district attorney of application for admission to bail must be given in cities when the crime charged is a felony. (§§ 560, 571 Code Crim. Pro.)

**Two days'** notice must be given to the committing magistrate requiring him to transmit depositions and statement. (§ 560 Code Crim. Pro.)

**Five days'** notice of an application for the exoneration of bail or for the return of a deposit in lieu of bail must be given to the district attorney. (§§ 590, 592 Code Crim. Pro.)

**Five days'** notice to district attorney necessary. (§ 598 Code Crim. Pro.)

### **Preparation for Trial.**

**Two days'** time must be allowed the defendant to prepare for trial. (§ 357 Code Crim. Pro.)

### **Commission to Take Testimony.**

**Five days'** notice to district attorney of application necessary. (§ 642 Code Crim. Pro.)

**Two days'** notice of settlement of interrogatories must be given by either party. (§ 645 Code Crim. Pro.)

### **Special Verdict.**

**Five days'** notice must be given by either party bringing a special verdict to argument. (§ 441 Code Crim. Pro.)

### **New Trial.**

**One year** after judgment is the time within which an application for a new trial may be made on the ground of newly discovered evidence. (§ 466 Code Crim. Pro.)

**Any time** before the execution, in case of a sentence of death, an application may be made for a new trial. (§ 466 Code Crim. Pro.)

### **Judgment.**

**Two days** at least after the verdict must be appointed by the court as the time for pronouncing sentence, if it intends to remain in session so long. (§ 472 Code Crim. Pro.)

### **Remission of Fine.**

**Five days'** notice to the district attorney must be given before the court can remit a fine. (§ 484 Code Crim. Pro.)

### **Death Penalty.**

**Ten days** after a judgment of death has been pronounced, the stenographer shall furnish to the defendant's attorney, at his request, a copy of the minutes of the trial. (§ 456 Code Crim. Pro.)

**Ten days** after the issuing of a death warrant the sheriff must deliver the defendant to the warden of the State prison. (§ 491 Code Crim. Pro.)

**Four to eight weeks** after the sentence is the time within which the execution must be appointed to take place. (§ 492 Code Crim. Pro.)

**Seven days'** notice must be given to the district attorney by a sheriff who has impaneled a jury to examine into the sanity of the defendant. (§ 496 Code Crim. Pro.)



**Three days'** notice of the execution must be given by the warden to those persons designated by statute to be present. (§ 507 Code Crim. Pro.)

**Ten days** after the execution the certificate of execution must be filed with the clerk of the county where the conviction was had. (§ 508 Code Crim. Pro.)

### **Certificate of Stay.**

**Two days'** notice must be given by the district attorney of an application for an order vacating a certificate of stay. (§ 529 Code Crim. Pro.)

**Ten days** after the granting of a certificate of stay must elapse before an appeal to the Appellate Division from a judgment in a criminal action can be brought on for argument. (§ 529 Code Crim. Pro.)

**Fifteen days** after the granting of a certificate of stay, the Court of Appeals must have been in session before the district attorney can apply for an order vacating the certificate. (§ 529 Code Crim. Pro.)

### **Appeals.**

**One year** after judgment is entered an appeal must be taken. (§ 521 Code Crim. Pro.)

**Six months** from the taking of an appeal from a judgment of death, the same must be brought on for argument. (§ 536 Code Crim. Pro.)

**Ten days** after the service of the notice of appeal the clerk must transmit it with the judgment-roll to the clerk of the appellate court. (§ 532 Code Crim. Pro.)

**Five days'** notice must be given of a motion to dismiss an appeal. (§ 533 Code Crim. Pro.)

**Ten days'** notice of argument of an appeal must be given. (§§ 535, 536 Code Crim. Pro.)

**Five days** after appeal counsel must serve notice of retainer on the district attorney in order that notice of argument be served on him instead of the defendant. (§ 537 Code Crim. Pro.)



**Ten days**, and no longer, a judgment on appeal may be retained by the clerk of the appellate court by order of the court, when it was rendered in the absence of the adverse party. (§ 547 Code Crim. Pro.)

**Six months** after the taking of an appeal from a judgment of death, judgment of affirmance without argument may be given. (§ 539 Code Crim. Pro.)

**Two days'** notice must be given of an application for an order enlarging the time for preparing or settling a case on appeal from a judgment in a criminal action. (§ 460 Code Crim. Pro.)

#### Special Sessions.

**Twenty days** after a conviction the certificate thereof must be filed with the county clerk. (§ 723 Code Crim. Pro.)

**Thirty days** after the receipt of a fine by the court, or by a sheriff, the same must be paid to the supervisor of the town. (§§ 726, 727 Code Crim. Pro.)

**Thirty days** after the receipt of a fine by the court, or by the sheriff, the same must be paid to the comptroller of New York city. (§§ 746, 747 Code Crim. Pro.)

#### Removal from Special Sessions.

**Three days'** notice must be given to the complainant or district attorney of an application for a certificate removing an action from the Court of Special Sessions to the grand jury. (§ 57 Code Crim. Pro.)

**Five to ten days'** adjournment must be granted by the magistrate to allow a defendant to obtain a certificate of removal. (§ 58 Code Crim. Pro.)

**Six days** after a certificate of removal is filed with the magistrate he must make his return to the district attorney. (§ 57 Code Crim. Pro.)

**Two days'** notice must be given the district attorney of an application for a certificate of removal from Special Sessions to the grand jury. (§ 1409 N. Y. City Charter.)

**Ten days'** stay of all proceedings may be granted, pending an application for a certificate of removal from Special Sessions to the grand jury. (§ 1409 N. Y. City Charter.)

**Five days** after the filing of a certificate of removal from Special Sessions to the grand jury, the clerk shall make a return of all proceedings to the district attorney. (§ 1409 N. Y. City Charter.)

#### **Appeals from Special Sessions.**

**Sixty days** after judgment or commitment, an application for an allowance of appeal therefrom must be made. (§ 751 Code Crim. Pro.)

**Five days** after the allowance of the appeal, the affidavit and allowance must be filed with the magistrate. (§ 755 Code Crim. Pro.)

**Ten days** after service of the allowance of appeal the magistrate must make his return. (§ 756 Code Crim. Pro.)

**Five days** after the allowance of an appeal from a judgment of Special Sessions, notice of the same must be served upon the district attorney. (§ 752 Code Crim. Pro.)

**Five days** after the filing of the undertaking on an appeal from Special Sessions, notice thereof must be served on the district attorney. (§ 754 Code Crim. Pro.)

**Ten days** before the term of court an appeal must be noticed for argument. (§ 759 Code Crim. Pro.)

#### **Abandonment Proceeding.**

**Sixty days** after the decision of a magistrate in an abandonment proceeding, an appeal therefrom by the commissioner of public charities must be taken. (§ 689 N. Y. City Charter.)

**Five days** after an allowance of appeal in an abandonment proceeding, the commissioner of public charities must serve notice thereof upon the defendant. (§ 689 N. Y. City Charter.)

**Ten days'** notice of the argument of an appeal in an abandonment proceeding must be given by either party. (§ 689 N. Y. City Charter.)

**Bastardy Proceeding.**

**Thirty days'** adjournment of the examination, and no longer, may be granted by the magistrate on the application of the defendant. (§ 849 Code Crim. Pro.)

**One month** after her delivery a magistrate may commit the mother to jail until she disclose the name of the father. (§ 856 Code Crim. Pro.)

**Ten days'** notice to the proper officers must be given before the court may reduce the amount directed to be paid by father or mother. (§ 859 Code Crim. Pro.)

**Ten days'** notice of appeal from an order in bastardy must be given to the magistrate who made it. (§ 862 Code Crim. Pro.)

**Children.**

**Five days** after the arrest of a child under the age of sixteen years, final disposition of the case must be made. (§ 665 N. Y. City Charter.)

**Proceedings Against Corporation.**

**Ten days** at least after the issuing thereof upon information the summons must be returnable before the magistrate. (§ 675 Code Crim. Pro.)

**Five days** before the return day the summons must be served. (§ 677 Code Crim. Pro.)

**Five days** at least after the issuing thereof after indictment the summons must be returnable in court. (§ 681 Code Crim. Pro.)

**Four days** before return day the summons must be served. (§ 681 Code Crim. Pro.)

**CRIMINAL CONVERSATION.**

**Two years** after the cause of action accrues, an action to recover damages for criminal conversation must be begun. (§ 384 Code Civ. Pro.)

### CRIMINAL STATISTICS.

**Ten days** after the adjournment of a criminal court of record the district attorney shall furnish the clerk of the court with a certified statement of all persons convicted thereat. (§ 941 Code Crim. Pro.)

### DAMAGES.

*See ASSESSMENT OF DAMAGES.*

### DEATH.

**Seven years'** absence will raise the presumption of the death of a party upon whose life an estate in real property depends in an action concerning the property. (§ 841 Code Civ. Pro.)

**Twenty-five years** after payment into court of the proceeds of a sale of property in an action of partition all unknown heirs are presumed to have been dead at the time of the sale. (§ 841 Code Civ. Pro.)

**Five days** after a death, the same must be reported to the health department. (§ 1238 N. Y. City Charter.)

### DEATH PENALTY.

**Ten days** after the issuing of a death warrant the sheriff must deliver the defendant to the warden of the State prison. (§ 491 Code Crim. Pro.)

**Four to eight weeks** after the sentence is the time within which the execution must be appointed to take place. (§ 492 Code Crim. Pro.)

**Seven days'** notice must be given to the district attorney by a sheriff who has impaneled a jury to examine into the sanity of the defendant. (§ 496 Code Crim. Pro.)

**Three days'** notice of the execution must be given by the warden to those persons designated by statute to be present. (§ 507 Code Crim. Pro.)

**Ten days** after the execution the certificate of execution must be filed with the clerk of the county where the conviction was had. (§ 508 Code Crim. Pro.)

## DEBTORS.

**Estates of Non-Resident, Absconding, Insolvent or Imprisoned Debtors.**

**Fourteen days'** notice of the sale of the debtor's property by his trustees must be publicly given (R. S. Part II, ch. 5, t. 1, art. 8, § 7), and

**Two weeks'** publication of such notice is also necessary. (Id. § 7.)

**Eighteen months'** credit may be allowed the purchaser. (Id. § 7.)

**Forty days** from the first publication of a notice to that effect, all creditors must present their demands. (Id. § 8.)

**Three weeks'** publication of such last-named notice is required. (Id. § 9.)

**Ten days'** notice is required of an application for the appointment of a referee to settle controversies. (Id. § 20; Laws 1862, ch. 373.)

**Fifteen months** after their appointment the trustees must call a meeting of the creditors. (R. S. Part II, ch. 5, t. 1, art. 8, § 27.)

**Two to three months** after the first publication of notice thereof, such meeting must be held. (Id. § 27.)

**Once a week**, to the time of the meeting, such notice must be published. (Id. § 27.)

**Once a year**, after the first dividend, the trustees shall declare a second one, if necessary. (Id. § 40.)

**One year** after a dividend is declared all unclaimed shares thereof shall be distributed in the next dividend. (Id. § 42.)

**Ten days** after each dividend the trustees must render an account thereof. (Id. § 45.)

**Six weeks'** publication of notice to show cause why a trustee should not renounce his appointment is necessary. (Id. § 54.)

## DEBTS.

**Ten days'** notice of the time and place of a sale of the debts and other doubtful claims of the debtor must be publicly given by the receiver. (Rule 77, General Rules.)

### **Sale of Property and Payment of Debts in Surrogate's Court.**

**Six months** after letters are issued a creditor may petition for the payment of his claim. (§ 2722 Code Civ. Pro.)

**Six months** after the rejection of a claim by an administrator or executor if it is then due, or if not, six months after a part of it becomes due, an action thereupon must be commenced. (§ 1822 Code Civ. Pro.)

**Three years** after letters are issued or after the final determination in favor of an executor, administrator, or creditor in an action to recover any real estate of the deceased, such executor, administrator or creditor may petition to have the real property sold to pay the decedent's debts. (§§ 2750, 2751 Code Civ. Pro.)

**Twenty days** after the receipt by the executor or administrator of the proceeds of the sale or mortgage of such real property, he must pay same into the Surrogate's Court. (§ 2766 Code Civ. Pro.)

**Three years'** credit for not more than **three-fourths** of the purchase-money in such sale may be allowed. (§ 2771 Code Civ. Pro.)

**One year's** credit except in the city of New York, may be given by the administrator selling **personal** property. (§ 2717 Code Civ. Pro.)

## DECEDENT.

### **When Representative May Sue or Be Sued.**

**Two years** after decedent's death an action to recover damages therefor must be begun. (§ 1902 Code Civ. Pro.)

**Eighteen months** after letters are issued on the estate of a party dying without the State are not a part of the time limited for beginning an action against decedent. (§ 391 Code Civ. Pro.)



**One year** after death of decedent is not a part of the time limited for commencing an action which decedent was entitled to bring. (§ 402 Code Civ. Pro.)

### **Execution Against Decedent's Estate.**

**Six days'** notice of an application for an order allowing execution to issue against a decedent's estate must be given the administrator or executor. (§ 1826 Code Civ. Pro.)

**Eight days'** notice to personal representatives. (§§ 780, 1381 Code Civ. Pro.)

**One year** after death an execution may issue against estate of decedent; but **three years'** delay is required in some cases. (§ 1380 Code Civ. Pro.)

### **Action Against Heirs.**

**Three years** after the death of the decedent, if no letters have been granted within the State, an action against the heirs on the decedent's debts may be commenced. (§ 1844 Code Civ. Pro.)

**Three years** after letters have been granted such an action must be commenced. (§ 1844 Code Civ. Pro.)

**One year** after judgment in such an action an execution may issue against an infant heir. (§ 1858 Code Civ. Pro.)

### **Sale of Property for Payment of Debts.**

**Six months** after letters are issued a creditor may petition for the payment of his claim. (§ 2722 Code Civ. Pro.)

**Six months** after the rejection of a claim by an administrator or executor if it is then due, or if not, **six months** after a part of it becomes due, an action thereupon must be commenced. (§ 1822 Code Civ. Pro.)

**Ten days** before the expiration of the six months' time to bring an action thereon after the rejection of a claim by an executor, etc., such executor must file his consent to a determination of such claim by the Surrogate, or costs may be awarded against him. (§ 1836 Code Civ. Pro.)

**Three years** after letters are issued or after the final determination in favor of an executor, administrator, or creditor in an action to recover any real estate of the deceased, such executor, administrator or creditor may petition to have the real property sold to pay the decedent's debts. (§§ 2750, 2751 Code Civ. Pro.)

**Twenty days** after the receipt by the executor or administrator of the proceeds of the sale or mortgage of such real property, he must pay same into the Surrogate's Court. (§ 2766 Code Civ. Pro.)

**Three years'** credit for not more than **three-fourths** of the purchase-money in such sale may be allowed. (§ 2771 Code Civ. Pro.)

**One years'** credit except in the city of New York, may be given by the administrator selling **personal** property. (§ 2717 Code Civ. Pro.)

### DECISION.

**Twenty days** after the close of the term the decision of a court in an action tried without a jury must be filed. (§ 1010 Code Civ. Pro.)

**Ten days** after service of the report of a referee or decision of a court without a jury an exception to a finding of law therein must be taken. (§§ 994, 1001 Code Civ. Pro.)

### Of Referee.

**Sixty days** after the case is finally submitted, the referee must file his report or deliver it to one of the parties. (§ 1019 Code Civ. Pro.)

**Eight days** after service of notice of filing of a report in a reference other than for the trial of issues or for computing the amount due in foreclosure cases, exceptions thereto must be filed and served. (Rule 30, General Rules.)

### Arrest.

**Twenty days** after submission of an application to obtain, vacate, modify or set aside an order of arrest, the court must decide the same. (§ 719 Code Civ. Pro.)



**Attachment.**

**Twenty days** after submission of an application to obtain, vacate, modify or set aside a warrant of attachment, the court must decide the same. (§ 719 Code Civ. Pro.)

**Injunction.**

**Twenty days** after submission of an application to obtain, vacate, modify or set aside an injunction order, the court must decide the same. (§ 719 Code Civ. Pro.)

**City Court of New York.**

**Ten days** after a cause is finally submitted, in the City Court of New York, the decision must be filed. (§ 3173 Code Civ. Pro.)

**Ten days** after an appeal is perfected, a justice of the City Court of New York must file, if so required, a special decision, stating separately the facts found and the conclusions of law. (§ 3173 Code Civ. Pro.)

**DECREE.**

**Two days'** notice of settlement of a decree in a contested probate or accounting must be given. (Rule 9, N. Y. Surrogates' Court.)

**DEFAULT.**

*See* JUDGMENT.

**DEMURRER.**

**Twenty days** after a pleading is amended it may be demurred to or answered. (§ 543 Code Civ. Pro.)

**Twenty days** after the service of a notice of filing a return to an alternative writ of mandamus, a demurrer can be served by the people or relator. (§ 2081 Code Civ. Pro.)

**DEPOSITIONS.****Examination Within State.**

**Five to twenty days** before time set for the examination, a copy of the order must be served. (§ 873 Code Civ. Pro.)

**Ten days** after completion the deposition must be filed in the office of the clerk. (§ 880 Code Civ. Pro.)

#### **Examination Without State.**

**Five days'** notice of the examination must be given with **one day** in addition for each fifty miles between residence of attorney of adverse party and place for examination. (§ 899 Code Civ. Pro.)

#### **For Use on Motion.**

**One days'** notice must be given of an application for the appointment of a referee to take depositions to be used on a motion. (§ 885 Code Civ. Pro.)

#### **In Municipal Court of New York.**

**Two days** before the time fixed for taking a deposition, in the Municipal Court of New York, the order and affidavit must be served upon each party to the action. (§ 221 Mun. Ct. Act.)

**Three days** after a deposition is taken in the Municipal Court of New York it must be filed with the clerk. (§ 224 Mun. Ct. Act.)

### **DIRECTOR.**

**Three years** after the cause of action accrues an action must be brought against a stockholder or director of a moneyed corporation or banking association to recover a penalty or forfeiture imposed, or to enforce a liability created by common law or by statute. (§ 394 Code Civ. Pro.)

### **DISABILITY.**

**Five years** may be added to the time limited for commencing an action other than for real property, or for a penalty or forfeiture, or against an officer for an escape, when the person entitled to maintain the action was at the time the right of action accrued, either:

1. Within the age of twenty-one years; or
2. Insane; or
3. Imprisoned on a criminal charge, or in execution upon conviction of a criminal offence, for a term less than for life;

but in no case can the time be extended more than **one year** after the disability ceases. (§ 396 Code Civ. Pro.)

**One year** after his disability ceases a defendant, who is an infant, insane, or imprisoned on a criminal charge for a term less than for life, may have a new trial as a matter of right. (§ 1646 Code Civ. Pro.)

**One year** after the death of such a defendant his representatives shall have the same right. (§ 1646 Code Civ. Pro.)

## DISCHARGE.

*See* INSOLVENT.

## DISSOLUTION OF CORPORATION.

### Voluntary Dissolution.

**Three months** at least after the granting of an order to show cause why the corporation should not be dissolved it must be returnable. (§ 2423 Code Civ. Pro.)

**Ten days** after the order is made it must be entered and the papers filed. (§ 2423 Code Civ. Pro.)

**Three weeks** in succession, once a week, before the return day the order must be published (§ 2425 Code Civ. Pro.), **but**

**Forty days** before the return day such service may be made by mail. (§ 2425 Code Civ. Pro.)

### Action to Procure Dissolution.

**One year** after a corporation has remained insolvent or neglected to pay its debts an action to procure its dissolution may be begun by the attorney-general. (§ 1785 Code Civ. Pro.)

**Sixty days** after the stockholder or creditor presents a statement to the attorney-general showing ground for such an action, if the attorney-general neglects to bring the action the creditor or stockholder may apply to the court for leave to bring it. (§ 1786 Code Civ. Pro.)

**Four weeks'** publication in the State paper of the judgment annulling a corporation is necessary. (§ 1803 Code Civ. Pro.)

**Six months** after the first publication of an order to that effect creditors of the corporation must exhibit and prove their claims and make themselves parties to the action. (§ 1807 Code Civ. Pro.)

**Twenty days** before the day fixed therefor, a notice or copy of an advertisement requiring creditors to present their claims to a referee must be mailed to each creditor. (Special Rules, First Department.)

### DIVORCE.

**Five years** after the discovery of the offence charged an action for divorce must be begun. (§ 1758 Code Civ. Pro.)

**Twenty days** after service of the pleading of either party in an action for divorce upon the co-respondent, he may appear to defend such action. (§ 1757 Code Civ. Pro.)

**Ten days** after the co-respondent in an action for divorce demands a copy of the summons and complaint, the plaintiff's attorney must serve the same. (§ 1757 Code Civ. Pro.)

**Three months** after the filing of the decision of the court or report of the referee, final judgment may be entered. (§ 1774 Code Civ. Pro.)

**Three months'** imprisonment may be imposed for contempt in the non-payment of alimony or counsel fees in a divorce case where the amount to be paid is less than \$500. (§ 111 Code Civ. Pro.)

### DOCKS.

**Once every six months** the commissioner of docks shall advertise for **one week** all unclaimed merchandise found upon the docks. (§ 853 N. Y. City Charter.)

**Three months** thereafter the commissioner shall again advertise for sale said property for one week. (§ 853 N. Y. City Charter.)

**One year** the commissioner shall hold in trust the proceeds of the sale. (§ 853 N. Y. City Charter.)

**Ten days'** advertisement of the lease of wharf property by the commissioner of docks of the city of New York is required. (§ 825 N. Y. City Charter.)

**DOCUMENTARY EVIDENCE.**

**Ten days** after joinder of issue an affidavit must be served to the effect that notice of non-payment has not been received or a notary's certificate will be considered presumptive evidence. (§ 923 Code Civ. Pro.)

**Ten days'** notice must be given to the adverse party of an intention to present in evidence a copy of books instead of the books themselves. (§ 930 Code Civ. Pro.)

**Six months** after a session of the Legislature a statute may be read in evidence from a newspaper designated to publish the same. (§ 932 Code Civ. Pro.)

**Twenty years** after official records are placed on file in New York city, they shall be presumptive evidence of their contents. (§ 955 Code Civ. Pro.)

**DOWER.**

**Twenty years** after the death of her husband an action for dower must be commenced by the widow; but if she is at the time of his death either;

1. Within the age of twenty-one years; or
2. Insane; or
3. Imprisoned on a criminal charge for a term less than for life, the time of such disability is not a part of the time so limited. (§ 1596 Code Civ. Pro.)

**Six years** is the limit of time for the withholding of her dower during which the widow may claim damages. (§§ 1600, 1603 Code Civ. Pro.)

**Four months** after the death of her husband an action may be brought against a widow to compel the determination of her claim to dower in real property. (§ 1647 Code Civ. Pro.)

**ENTRY.**

*See* LIMITATIONS.

**ESCAPE.**

**One year** after the cause of action accrues an action against an officer, other than a sheriff or a coroner, for the escape of a prisoner arrested or imprisoned by virtue of a civil mandate, must be begun. (§ 385 Code Civ. Pro.)

**ESTATE.**

*See APPRAISMENT OF ESTATE; SURROGATE'S COURT.*

**EVIDENCE.****Notary's Certificate of Protest.**

**Ten days** after joinder of issue an affidavit must be served to the effect that notice of non-payment has not been received or such certificate will be considered presumptive evidence. (§ 923 Code Civ. Pro.)

**Books of Foreign Corporation.**

**Ten days'** notice must be given to the adverse party of an intention to present in evidence a copy of the books instead of the books themselves. (§ 930 Code Civ. Pro.)

**Statutes.**

**Six months** after a session of the Legislature a statute may be read in evidence from a newspaper designated to publish the same. (§ 932 Code Civ. Pro.)

**Papers.**

**Four days** after a party exhibits to the opposite party a paper requesting a written admission of its genuineness, the admission must be given or the expenses of preparing the same must be paid by the party refusing, upon direction of the court. (§ 735 Code Civ. Pro.)

**Will.**

**Thirty years** after the probate of a will in this or in another State, an exemplified copy of the same may be admitted in evidence with like effect as the original will. (§ 2632 Code Civ. Pro.)

### **Title to Real Property.**

**Thirty years'** unbroken title to real property next preceding the commission of a trespass or injury thereto, may be shown by the plaintiff in an action to recover damages therefor as presumptive evidence of ownership. (§ 960 Code Civ. Pro.)

### **Records.**

**Twenty years** after official records are placed on file in New York city, they shall be presumptive evidence of their contents. (§ 955 Code Civ. Pro.)

## **EXAMINATION.**

### **By Magistrate.**

**Two days** and no longer, unless by consent or on motion of the defendant, may an examination be adjourned. (§ 191 Code Crim. Pro.)

**Two days** after demand the magistrate must furnish the defendant a copy of the depositions and statement, or permit him to make a copy. (§ 206 Code Crim. Pro.)

**Five days** after a defendant is discharged or held to answer the magistrate must return the depositions and other papers to the court having power to inquire by the intervention of a grand jury into the offence charged. (§ 221 Code Crim. Pro.)

**Two days** before such an examination, on behalf of the people a copy of the order with notice of the time and place shall be served on the defendant. (§ 219 Code Crim. Pro.)

### **Admission to Bar.**

**Twice**, at least, in each year examinations shall be conducted in each judicial department of all persons applying for admission to practice as attorneys and counselors at law. (§ 56 Code Civ. Pro.)

## **EXAMINATION OF WITNESSES.**

*See* DEPOSITIONS.



### EXCEPTIONS.

**Ten days** after service of the report of a referee or decision of a court without a jury, an exception to a finding of law therein must be taken. (§§ 994, 1001 Code Civ. Pro.)

**Eight days** after service of notice of filing of a report in a reference, other than for the trial of issues or for computing amount due in foreclosure cases, exceptions thereto must be filed and served. (Rule 30, General Rules.)

### EXECUTION AGAINST PERSON.

#### Arrest.

**Ten days** after the return of a property execution or **three months** after taking judgment, plaintiff must issue an execution against the person. (§ 572 Code Civ. Pro.)

#### Time of Imprisonment.

**Three months** is the limit of imprisonment under an execution against a person to enforce the recovery of a sum of money less than \$500. (§ 111 Code Civ. Pro.)

**Six months** is the limit where the sum of money exceeds \$500. (§ 111 Code Civ. Pro.)

**Six months** is the limit of imprisonment within the jail liberties of any jail upon an execution or other mandate against the person. (§ 111 Code Civ. Pro.)

#### Bail.

**Fifteen days** after an execution against the person is issued, if returned unexecuted, action may be brought against the bail. (§ 597 Code Civ. Pro.)

**Twenty days** after action is commenced, the court may relieve the bail if defendant is under arrest in a criminal action. (§ 600 Code Civ. Pro.)

#### Discharge of Judgment Debtor.

**Thirty days** after imprisonment the debtor may be discharged by notice from the judgment creditor to the sheriff. (§ 1494 Code Civ. Pro.)

**Three months** after imprisonment, where the execution was for more than five hundred dollars, the debtor may petition for discharge. (§ 2202 Code Civ. Pro.)

**At any time** he may petition, where the execution was for less than five hundred dollars. (§ 2202 Code Civ. Pro.)

**Fourteen days'** notice of such petition must be given each creditor. (§ 2205 Code Civ. Pro.)

**Three months** from the presentation of the petition, and not later, the same must be heard. (§ 2209 Code Civ. Pro.)

**Three months** after a prisoner was entitled to apply for his discharge, and he has not done so, nor applied to be discharged from his debts, the judgment creditor may require him by written notice to apply for his discharge from imprisonment. (§ 2216 Code Civ. Pro.)

**Thirty days** after service of such notice, if the prisoner does not comply therewith or apply to be discharged from his debts, he is forever barred from such latter application. (§ 2217 Code Civ. Pro.)

#### **In City Court of New York.**

**Fifteen days** a defendant may be imprisoned under an execution against the person in an action for wages earned by a female employee. (§ 3167 Code Civ. Pro.)

#### **In Municipal Court of New York.**

**Twenty days** after an execution of the Municipal Court of New York is issued or renewed, a defendant cannot be arrested nor his property levied upon. (§ 275 Mun. Ct. Act.)

**One month** after his cause of action accrues a wage earner must bring an action in the Municipal Court of New York to recover for his services, in order to be entitled to an execution against exempt property and against the person. (§ 274 Mun. Ct. Act.)

**Fifteen days** after a defendant is confined in jail under an execution against the person issued out of the Municipal Court of New York upon a judgment for wages, he must be discharged. (§ 274 Mun. Ct. Act.)

### **In Justice's Court.**

**Thirty days** after being taken into custody a person imprisoned under the justice's execution must be released if he has a family within the State. (§ 3033 Code Civ. Pro.)

**Sixty days** he may be kept otherwise. (§ 3033 Code Civ. Pro.)

## **EXECUTION AGAINST PROPERTY.**

### **In Court of Record.**

**Sixty days** after it is issued it must be returned. (§ 1366 Code Civ. Pro.)

**Five years** after the entry of a judgment execution may be issued thereon as of course. (§ 1375 Code Civ. Pro.)

**Twenty days'** notice to the occupants of land sought to be recovered and to the representatives of a deceased party against whom a judgment for the recovery of real property has been obtained must be given of an execution to be issued thereupon. (§ 1376 Code Civ. Pro.)

**Five years** after judgment, representatives of a deceased plaintiff or assignee of judgment may issue execution as of course. (§ 1376 Code Civ. Pro.)

**Five years** after judgment, execution against property can issue when one issued within five years was returned wholly or partly unsatisfied or where court grants leave to issue it. (§ 1377 Code Civ. Pro.)

**Ten days** after service of a copy of an order directing a sum of money to be paid, and not fixing a time for such payment, an execution may be issued. (§ 779 Code Civ. Pro.)

### **Sale Under Execution.**

**Six days'** notice of the sale of **personal** property must be given by posting notice thereof. (§ 1429 Code Civ. Pro.)

**Forty-two days** before the sale of **real** property notice thereof must be posted. (§§ 1434, 1678 Code Civ. Pro.)

**Three to six weeks** such notice must be published. (§§ 1434, 1678 Code Civ. Pro.)

**Four weeks** such sale must be adjourned. (§ 1678 Code Civ. Pro.)

**Ten days** after the sale the sheriff must file a certificate of sale with the clerk and deliver one to the purchaser. (§ 1439 Code Civ. Pro.)

**Twenty days** after the entry of a judgment declaring null and void the title of a purchaser of real property, the plaintiff in an action shall pay to the grantee or purchaser the money which was paid upon the sale with the proper costs. (§ 1440 Code Civ. Pro.)

#### **Bond of Indemnity.**

**Two days** after an undertaking is given to indemnify an officer he must file the same with the clerk. (§ 1419 Code Civ. Pro.)

**Two days** after receiving the bond the officer must serve notice of justification to be had **two to five days** later. (§ 1419 Code Civ. Pro.)

**Ten days** before judgment by default, an officer must give notice of an action brought against him to all persons liable to be substituted, or he can not subsequently proceed against them. (§ 1427 Code Civ. Pro.)

#### **Redemption of Real Property.**

**One year** after the sale the debtor or his heirs or grantees may redeem it. (§§ 1446, 1447, 1458, 1459 Code Civ. Pro.)

**Three months** thereafter a creditor of the debtor may redeem it. (§§ 1449, 1450 Code Civ. Pro.)

**Twenty-four days** after redemption by one creditor a second creditor may redeem from the first although fifteen months from the sale have elapsed. (§ 1454 Code Civ. Pro.)

**Fifteen months** after the sale, if no redemption has taken place, the sheriff must execute the proper deed to the party entitled to the property. (§ 1471 Code Civ. Pro.)

### Against Decedent's Estate.

**Six days'** notice of an application for an order allowing execution to issue against a decedent's estate must be given the administrator or executor. (§ 1826 Code Civ. Pro.)

**Eight days'** notice to personal representatives. (§§ 780, 1381 Code Civ. Pro.)

**One year** after death an execution may issue against estate of decedent; but **three years'** delay is required in some cases. (§ 1380 Code Civ. Pro.)

### Action by Creditor Against Heirs.

**One year** after judgment in such an action an execution may issue against an infant heir. (§ 1858 Code Civ. Pro.)

### Against City of New York.

**Ten days'** notice of a judgment obtained against New York city must be given the comptroller before execution thereupon can issue. (§ 264 N. Y. City Charter.)

### In Municipal Court of New York.

**Six years** after the entry of a judgment of the Municipal Court of New York, an execution may be issued. (§ 260 Mun. Ct. Act.)

**Twenty days** after the receipt thereof a marshal of the Municipal Court of New York shall return an execution. (§ 271 Mun. Ct. Act.)

**Twenty days** after an execution of the Municipal Court of New York is issued, a marshal who fails to return the same, or to levy upon property, or to arrest a defendant and commit him to jail, is liable to the party in whose favor the execution was issued for the amount thereof. (§ 276 Mun. Ct. Act.)

### In Justice's Court.

**Five years** after judgment execution thereon may be issued by the justice. (§§ 3024, 3027 Code Civ. Pro.)

**Sixty days** after it is dated an execution must be made returnable. (§§ 3025, 3027 Code Civ. Pro.)

**Six days** before the sale of personal property, taken by a constable under an execution, notice thereof must be posted. (§3029 Code Civ. Pro.)

**Five days** after the return day of an execution to recover a sum of money only, if the constable fails to return it, the defendant may recover the amount thereof from the constable. (§ 3039 Code Civ. Pro.)

## EXECUTOR, ETC.

### Actions by or Against.

**Three years** after the cause of action accrues an action against an executor, administrator, receiver or trustee of an insolvent debtor to recover a chattel or damages for injury to personal property, must be begun. (§ 383 Code Civ. Pro.)

**Eighteen months** after the issuing of letters upon the death of a person without the State, and the time which lapses between his death and the issuing of such letters is not a part of the time limited for the commencement of an action against his executor or administrator. (§ 391 Code Civ. Pro.)

**Six years** after the death of the testator or intestate letters are deemed to have been issued, for the purpose of computing the time for commencing an action by an administrator or executor to recover a chattel. (§ 392 Code Civ. Pro.)

**One year** after his death and after the expiration of the time limited for commencing an action, the action may be commenced by the representatives of one who died during the time he was entitled to maintain the action. (§ 402 Code Civ. Pro.)

**Eighteen months** after the death within the State of a person against whom a cause of action exists, or of a person who shall have died within **sixty days** after an attempt shall have been made to commence an action against him, is not a part of the time limited for the commencement of an action against his executor or administrator. If letters testamentary or letters of administration upon his estate are not issued within the State at least **six months** before the expiration of the time to



bring the action as extended by the foregoing provision, the term of **one year** after such letters are issued, is not a part of the time limited for the commencement of such action. (§ 403 Code Civ. Pro.)

**Three years** after letters are issued, if an action to partition the real property is commenced, the executors or administrators of the estate of the decedent from whom the plaintiff's title is derived must be made parties defendant and the proceeds of the sale paid into court. (§ 1538 Code Civ. Pro.)

### Granting of Letters.

**Thirty days** after the filing of an affidavit objecting to an executor or administrator the surrogate must stay the granting of letters. (§ 2636 Code Civ. Pro.)

**Thirty days** after probate the appointee of a power must appoint an executor. (§ 2640 Code Civ. Pro.)

**Five days** after such selection is made the issuing of letters must be delayed. (§ 2640 Code Civ. Pro.)

**Five days** after such selection is made objections to such appointment must be filed. (§ 2641 Code Civ. Pro.)

**Thirty days** after probate or appointment an executor must qualify. (§ 2642 Code Civ. Pro.)

**Five days** after objections filed against him are determined in his favor the executor must qualify. (§ 2642 Code Civ. Pro.)

### Revocation of Letters.

**Thirty days** after an executor or an administrator has been committed to jail by reason of his default in returning an inventory the surrogate may revoke his letters. (§ 2691 Code Civ. Pro.)

### Bond of.

**Five days'** notice must be given of the examination of sureties on a bond executed by an executor, administrator, guardian or trustee (Rule 17, N. Y. Surrogates' Court), and



**Five days** after the service of an order to that effect, new sureties must be substituted. (Rule 17, N. Y. Surrogates' Court.)

**Five days** after an order is entered compelling the principal to furnish new sureties upon the application of an interested party the principal must do so. (§§ 2598, 2601 Code Civ. Pro.)

**Five days** after the return day of a citation issued upon the application of a surety to be released from liability the surrogate must order him so released. (§ 2601 Code Civ. Pro.)

**Twenty days** after the surrogate has released the surety and ordered the principal to file his account, the account must be filed or the letters revoked. (§ 2601 Code Civ. Pro.)

### Accounting By.

**At any time**, an executor or administrator may voluntarily file in the surrogate's office an intermediate account. (§ 2725 Code Civ. Pro.)

**Eighteen months** after letters are issued, or on the return of a citation issued on the petition of a creditor or legatee for payment of debts or legacy, or when application has been made to have execution issued against the estate, the surrogate may compel an intermediate account. (§ 2725 Code Civ. Pro.)

**One year** after letters are issued or where the administrator's powers have ceased, or where he has disposed of real property under a decree, the surrogate may compel a judicial settlement of the accounts upon the petition of a creditor or person interested in the estate. (§ 2726 Code Civ. Pro.)

**Eighteen months** after letters were issued such a petition presented on the ground of the lapse of time only may be denied by the court. (§ 2727 Code Civ. Pro.)

**One year** after letters were issued or where notice to creditors has been duly served, the executor or administrator may apply to have his accounts judicially settled. (§ 2728 Code Civ. Pro.)

**Eight days** after the return of the citation or the filing of the account objections thereto must be taken. (Rule 7, N. Y. Surrogates' Court.)

**Two years** after a decree is entered settling the accounts of an administrator or executor he must turn over all unpaid legacies to the county treasurer. (§ 2748 Code Civ. Pro.)

### Miscellaneous.

**Ten days** before the expiration of the six months' time to bring an action thereon after the rejection of a claim by an executor, etc., such executor must file his consent to a determination of such claim by the surrogate, or costs may be awarded against him. (§ 1836 Code Civ. Pro.)

**Sixty days** after the warrant is placed in the hands of the sheriff directing him to seize property withheld from an administrator he must make a return thereon. (§ 2710 Code Civ. Pro.)

### EXEMPT PROPERTY.

**One year** after the collection of damages awarded by a judgment for taking or injuring personal property exempt by law from levy and sale under an execution such damages are themselves exempt. (§ 1394 Code Civ. Pro.)

**Three days** before the sale of land set apart as a family burying-ground a notice that exemption is claimed therefor must be recorded. (§ 1396 Code Civ. Pro.)

**One year's** absence from an exempt homestead will not affect its right to exemption. (§ 1401 Code Civ. Pro.)

**One year** after the receipt of money not exceeding \$1,000, by a judgment debtor representing his interest in the proceeds of the sale of an exempt homestead, such money is itself exempt. (§ 1403 Code Civ. Pro.)

**One month** after his cause of action accrues a wage earner must bring an action in the Municipal Court of New York to recover for his services, in order to be entitled to an execution against exempt property and against the person. (§ 274 Mun. Ct. Act.)

**Judgment Creditor's Action.**

**Sixty days'** earnings next before the commencement of the action are exempt from levy and sale under execution. (§ 1879 Code Civ. Pro.)

**Supplementary Proceedings.**

**Sixty days'** earnings immediately preceding the institution of the special proceedings are exempt. (§ 2463 Code Civ. Pro.)

**EXPENSES.**

*See* FUNERAL EXPENSES.

**FALSE IMPRISONMENT.**

**Two years** after the cause of action accrues, an action to recover damages for false imprisonment must be begun. (§ 384 Code Civ. Pro.)

**FEEs.**

**Twice each year** the clerk of the Court of Appeals must pay all fees received to the comptroller. (§ 3283 Code Civ. Pro.)

**Three days** after the first day of each month, the clerk of the City Court of New York must render to the comptroller an account of all fees received by him during the preceding month; and he must at the same time pay the same into the treasury of the city. (§ 331 Code Civ. Pro.)

**Three days** after the first day of each month the clerk of each district of the Municipal Court of New York shall pay to the county treasurer all fees received by him. (§ 283 Mun. Ct. Act.)

**FINDINGS.**

*See* DECISION.

**FINES.****Proceedings to Collect.**

**Sixty days** after receipt of the warrant by the sheriff he must return it at the next term of the proper court. (§ 2297 Code Civ. Pro.)

### Money Received.

**Thirty days** after a district attorney receives money upon a fine he must pay it to the county treasurer. (§ 1967 Code Civ. Pro.)

### Remitting Fine.

**Five days'** notice to the district attorney must be given before the court can remit a fine. (§ 484 Code Crim. Pro.)

### Fining Jurors.

**Ten days** after a fine is imposed upon a juror in the Municipal Court of New York for non-attendance, the clerk of the court shall notify the commissioner of jurors thereof. (§ 233 Mun. Ct. Act.)

**Thirty days'** imprisonment may be imposed upon a delinquent juror, in New York city, who does not pay his fine. (§ 1117 Code Civ. Pro.)

**Once every three months** the corporation counsel of New York city shall report to the mayor the number and names of the jurors fined (§ 1119 Code Civ. Pro.), and

**Ten days** thereafter the mayor shall publish such report in the City Record. (§ 1119 Code Civ. Pro.)

**Three days'** notice must be given by the commissioner of Kings county to each delinquent trial juror, requiring him to show cause why his fine should be remitted. (§ 1154 Code Civ. Pro.)

**Ten days** after the disposition of each case by the board, the commissioner of Kings county must file a return containing the name of each juror fined whose fine remains unpaid. (§ 1555 Code Civ. Pro.)

**Ninety days** after the said commissioner receives a precept from the clerk, commanding him to levy and enforce the collection of each fine, he must return it. (§ 1135 Code Civ. Pro.)

**Thirty days** after the service of a notice of a fine upon a person notified to attend as a juror in a special proceeding, the officer imposing the fine must make a special return of the delinquency for which the fine was imposed, if he has not remitted it. (§ 1198 Code Civ. Pro.)

### **In Justice's Courts.**

**Thirty days'** imprisonment may be imposed by the justice for the neglect on the part of a defaulting witness to pay a fine. (§ 2977 Code Civ. Pro.)

**Ten days** after the receipt of the fine it must be paid over for the benefit of the poor. (§ 2978 Code Civ. Pro.)

### **FORECLOSURE.**

#### **Lis Pendens.**

**Twenty days** before final judgment, plaintiff must file **lis pendens**. (§ 1631 Code Civ. Pro.)

**Sixty days** after filing the **lis pendens** the summons must be served or the publication thereof commenced. (§ 1670 Code Civ. Pro.)

#### **Surplus Moneys.**

**Three months** after surplus is paid into court it may be invested, if unclaimed, by order of the court. (§ 1633 Code Civ. Pro.)

**Five days** after the proceeds of a sale are received surplus moneys must be paid to the county treasurer or chamberlain of New York city. (Rule 61, General Rules.)

#### **Stay of Sale.**

**Two days'** notice of an application to stay the sale must be given to the plaintiff's attorney. (Rule 67, General Rules.)

#### **Corporation Mortgage.**

**Thirty days** after the mortgage debt of the corporation or the interest thereupon was payable and has remained unpaid, an action can be brought for the foreclosure of the mortgage. (§ 1810 Code Civ. Pro.)

### **FORECLOSURE BY ADVERTISEMENT.**

#### **Notice of Sale.**

**Twelve weeks** in succession, once a week, immediately preceding the sale, the notice must be published. (§ 2388 Code Civ. Pro.)

**Eighty-four days** before the sale the notice must be posted. (§ 2388 Code Civ. Pro.)

**Eighty-four days** before the sale a copy of the notice must be delivered to the clerk of each county wherein any part of the property is situated. (§ 2388 Code Civ. Pro.)

**Fourteen days** before the sale a copy of the notice must be served upon the mortgagor, his wife, widow, executor or grantee. (§ 2389 Code Civ. Pro.)

**Twenty-eight days'** similar service is required if any of the last named persons are without the State. (§ 2389 Code Civ. Pro.)

**Fourteen days** before the sale a copy of the notice must be served personally on any other person (§ 2389 Code Civ. Pro.), but

**Twenty-eight days'** service on such person by mail is required. (§ 2389 Code Civ. Pro.)

#### **Notice of Postponement.**

**Once a week** until the time of the sale the notice of postponement must be published. (§ 2392 Code Civ. Pro.)

#### **Surplus Moneys.**

**Ten days** after the receipt of any money from the sale the surplus must be paid into court. (§ 2404 Code Civ. Pro.)

**Twenty days** after the sale any party entitled to a part of the surplus may petition the court therefor. (§ 2406 Code Civ. Pro.)

**Eight days'** notice of such application must be given to other petitioners and to each person served with a notice of sale. (§ 2406 Code Civ. Pro.)

#### **FORFEITURE.**

**Two years** after the cause of action accrues, an action upon a statute for a forfeiture to the people of the State must be begun. (§ 384 Code Civ. Pro.)

**Three years** after the cause of action accrues an action upon a statute for a penalty or forfeiture, where the action is given to the person aggrieved, or to that person and the people of the State, may be begun. (§ 383 Code Civ. Pro.)

**One year** after the commission of the offence an action upon a statute for a penalty or a forfeiture given wholly or partly to any person who will prosecute for the same, must be begun; if not so begun, within **two years** thereafter, it may be commenced in behalf of the people by the attorney-general or district attorney. (§ 387 Code Civ. Pro.)

### FRAUD.

**Six years** after the cause of action accrues an action to procure a judgment other than a sum of money on the ground of fraud must be begun. (§ 382 Code Civ. Pro.)

### FRIVOLOUS PLEADINGS.

*See* PLEADINGS.

### FUGITIVES.

**Thirty days** after the date of a warrant by the governor for the arrest of a fugitive from another State, the officer to whom the warrant was directed must return it, with a statement of all his proceedings, to the governor. (§ 827 Code Crim. Pro.)

**Thirty days** is the period during which a magistrate may hold a fugitive from another State to await a requisition from the governor thereof. (§ 830 Code Crim. Pro.)

**Thirty days** from the date of arrest is the limit of time for which such fugitive may be admitted to bail by the magistrate. (§ 831 Code Crim. Pro.)

### FUNDS.

*See* PUBLIC FUNDS.



### FUNERAL EXPENSES.

**Sixty days** after the granting of letters, a person having a claim against the estate for funeral expenses may petition the Surrogate's Court for an order to show cause why the same should not be paid. (§ 2729 Code Civ. Pro.)

**Ten days** after the service of an order of the surrogate directing the payment of funeral expenses, the same must be paid. (§ 2729 Code Civ. Pro.)

**Three months** after the granting or denial of an application for the payment of funeral expenses, a new application may be made therefor. (§ 2729 Code Civ. Pro.)

### GENERAL ASSIGNMENT.

*See* ASSIGNMENT.

### GENERAL TERM.

*See* CITY COURT OF NEW YORK.

### GRAND JURY.

**Twenty days** before the term of court for which a grand jury is ordered a copy of the order must be filed with the county clerk. (§ 227 Code Crim. Pro.)

**Fourteen days** before the term of court the grand jury must be drawn. (§ 238 Code Crim. Pro.)

**Two days'** notice must be given the district attorney of an application for a certificate of removal from Special Sessions to the grand jury. (§ 1409 N. Y. City Charter.)

**Ten days'** stay of all proceedings may be granted, pending an application for a certificate of removal from Special Sessions to the grand jury. (§ 1409 N. Y. City Charter.)

**Five days** after the filing of a certificate of removal from Special Sessions to the grand jury, the clerk shall make a return of all proceedings to the district attorney. (§ 1409 N. Y. City Charter.)

### GUARDIAN.

**Eight days'** notice of an application for the appointment of a special guardian must be given. (§ 2531 Code Civ. Pro.)

**Ten days** before the return day of a citation issued to the father of an applicant for the appointment of a general guardian, service thereof must be made. (§ 2823 Code Civ. Pro.)

**Thirty days** after a will appointing a guardian is admitted to probate the guardian must qualify (§ 2852 Code Civ. Pro.), but

**Three months** the surrogate may extend such time. (§ 2852 Code Civ. Pro.)

**Ninety days** at least the surrogate must stay the qualification when an objection is made to the guardian by the affidavit of an interested person. (§ 2852 Code Civ. Pro.)

**Three months** after the death of the grantor in a deed appointing a guardian of an infant, if the deed is not recorded, the person appointed is deemed to have renounced the appointment. (§ 2851 Code Civ. Pro.)

**Two days'** notice of a settlement of accounts must be given a guardian. (Rule 11, N. Y. Surrogates' Court.)

**Three months** after service of an order to that effect the guardian must file or amend his account. (Rule 21, N. Y. Surrogates' Court.)

**Twenty-five years** after the sale of real property, where the surrogate's records have been removed, the appointment of a guardian for each infant party at the time of the sale is presumed. (§ 2785 Code Civ. Pro.)

#### Bond of.

**Ten days'** notice of an application by the surety upon his bond to be relieved from liability must be given a trustee, committee or guardian. (Laws 1881, ch. 654, § 3.)

**Five days'** notice must be given of the examination of sureties on a bond executed by an executor, administrator, guardian or trustee (Rule 17, N. Y. Surrogates' Court.), and

**Five days** after the service of an order to that effect, new sureties must be substituted. (Rule 17, N. Y. Surrogates' Court.)

### GUARDIAN AD LITEM.

**Twenty days** after personal service of the summons upon an infant over fourteen years of age he may apply personally for the appointment of a guardian **ad litem**. (§ 471 Code Civ. Pro.)

**Twenty days** after the service of the summons upon a guardian **ad litem** for an infant defendant without the State is the time allowed such guardian to appear or answer. (§ 473 Code Civ. Pro.)

**Twenty days** after the appointment of a guardian **ad litem**, and not sooner, judgment by default may be taken against an infant defendant. (§ 1218 Code Civ. Pro.)

### HABEAS CORPUS.

**Twenty-four hours'** time in which to make the return after service is allowed for every twenty miles between the place of service and the place to make the return. (§ 2006 Code Civ. Pro.)

**Eight days'** notice of hearing must be given the person interested in the confinement of the prisoner or the district attorney. (§ 2038 Code Civ. Pro.)

### HEALTH, BOARD OF.

**Six months** after the cause of action accrues, an action against the city on account of any act of the board of health must be commenced. (§ 1196 N. Y. City Charter.)

**Ten days** after a birth the same shall be reported to the health department. (§ 1237 N. Y. City Charter.)

**Five days** after a death, the same must be reported to the health department. (§ 1238 N. Y. City Charter.)

**Six months** after notice of filing of a lien for expenses incurred by the health department, the lien shall be deemed conclusive as against the property. (§ 1278 N. Y. City Charter.)

**Four years** after filing, a lien against property for expenses incurred by the health department shall continue in force. (§ 1278 N. Y. City Charter.)

**Twelve days** after payment, any moneys paid into the health department, on account of rents or other compensation due the owner of property subject to a lien for expenses incurred by the said department, shall be retained before being paid to the city chamberlain. (§ 1280 N. Y. City Charter.)

**Ten days** after an order to that effect has been mailed and posted by the board of health a condemned building must be vacated. (§ 1299 N. Y. City Charter.)

**Thirty days** after the transfer of a tenement or lodging-house, a notice thereof must be filed with the board of health (§ 1312 N. Y. City Charter), **and**

**Thirty days** after the death of an intestate or after the probate of a will, the heirs or devisees of a tenement must file such a notice. (§ 1312 N. Y. City Charter.)

**Five days** before the performance of an act is required by the board of health a notice thereof must be posted in the building affected thereby. (§ 1312 N. Y. City Charter.)

**Thirty days'** quarantine may be imposed upon a vessel coming from an infected place by the board of health. (§ 1220 N. Y. City Charter.)

**Fifteen days'** notice to fill in sunken lots must be given the owner or agent thereof. (§ 1215 N. Y. City Charter.)

**Two days** the commissioners of estimate and assessment shall sit to hear objections to their report in reference to drains ordered by the board of health. (§ 1217 N. Y. City Charter.)

## HEARING.

*See* ARGUMENT.

## HEIRS.

### Actions Against by Creditors.

**Three years** after the death of the decedent, if no letters have been granted within the State, an action against the heirs on the decedent's debts may be commenced. (§ 1844 Code Civ. Pro.)

**Three years** after letters have been granted such an action must be commenced. (§ 1844 Code Civ. Pro.)

**One year** after judgment in such an action an execution may issue against an infant heir. (§ 1858 Code Civ. Pro.)

## HEIRSHIP, PROBATE OF.

*See* PROBATE OF HEIRSHIP.

## HOMESTEAD.

**One year's** absence from an exempt homestead will not affect its right to exemption. (§ 1401 Code Civ. Pro.)

**One year** after the receipt of money not exceeding \$1,000, by a judgment debtor representing his interest in the proceeds of the sale of an exempt homestead, such money is itself exempt. (§ 1403 Code Civ. Pro.)

## IMPEACHMENTS.

**Thirty to sixty days** from the day of delivery of articles of impeachment, the court for the trial thereof must meet. (§ 17 Code Crim. Pro.)

\* **Twenty days** before the day fixed for the meeting of the court a copy of the articles of impeachment must be served upon the defendant. (§ 119 Code Crim. Pro.)

## IMPRISONMENT.

### Contempt of Court.

**Six months'** imprisonment and until the fine is paid is the punishment for a contempt in a court of record (§ 2285 Code Civ. Pro.), but

**Thirty days** is the limit of imprisonment for a criminal contempt; except that to a definite sentence of **thirty days** may be added a period not exceeding **thirty days** for non-payment of a fine. (§ 9 Code Civ. Pro.)

**Five days'** imprisonment for contempt may be imposed in Justices' Courts (§ 2871 Code Civ. Pro.), but

for a local improvement, objections thereto must be repre-

**Ten days** further imprisonment may be added in Justices' Courts for non-payment of fine. (§ 2871 Code Civ. Pro.)

**Three months'** imprisonment may be imposed for contempt in the non-payment of alimony or counsel fees in a divorce case where the amount to be paid is less than \$500. (§ 111 Code Civ. Pro.)

**Six months'** imprisonment may be imposed where the amount is over \$500. (§ 111 Code Civ. Pro.)

### Execution Against Person.

**Three months** is the limit of imprisonment under an execution against a person to enforce the recovery of a sum of money less than \$500. (§ 111 Code Civ. Pro.)

**Six months** is the limit where the sum of money exceeds \$500. (§ 111 Code Civ. Pro.)

**Six months** is the limit of imprisonment within the jail liberties of any jail upon an execution or other mandate against the person. (§ 111 Code Civ. Pro.)

**Thirty days** after imprisonment the debtor may be discharged by notice from the judgment creditor to the sheriff. (§ 1494 Code Civ. Pro.)

**Three months** after imprisonment, where the execution was for more than five hundred dollars, the debtor may petition for discharge. (§ 2202 Code Civ. Pro.)

**At any time** he may so petition, where the execution was for less than five hundred dollars. (§ 2202 Code Civ. Pro.)

**Fourteen days'** notice of such petition must be given each creditor. (§ 2205 Code Civ. Pro.)

**Three months** from the presentation of the petition, and not later, the same must be heard. (§ 2209 Code Civ. Pro.)

**Three months** after a prisoner was entitled to apply for his discharge, and he has not done so, nor applied to be discharged from his debts, the judgment creditor may require him by written notice to apply for his discharge from imprisonment. (§ 2216 Code Civ. Pro.)



**Thirty days** after service of such a notice, if the prisoner does not comply therewith or apply to be discharged from his debts, he is forever barred from such latter application. (§ 2217 Code Civ. Pro.)

#### **Failure to Pay Fine.**

**Thirty days'** imprisonment may be imposed upon a delinquent juror, in New York city, who does not pay his fine. (§ 1117 Code Civ. Pro.)

**Thirty days'** imprisonment may be imposed by a justice of the peace for the neglect on the part of a defaulting witness to pay a fine. (§ 2977 Code Civ. Pro.)

#### **IMPROVEMENTS.**

**Ten days** before a meeting of a local board to consider a petition for a local improvement, notice thereof must be published. (§ 432 N. Y. City Charter.)

**Ten days'** notice of the completion of an assessment for a local improvement shall be published. (§ 950 N. Y. City Charter.)

**Thirty days** after an assessment for local improvement is presented to the board of revision of assessments, it shall be confirmed or deemed to have been confirmed. (§ 944 N. Y. City Charter.)

**Ten days** after the entry of an assessment for a local improvement, the same shall be deemed to be fully confirmed and to become a lien upon the property affected. (§ 1017 N. Y. City Charter.)

**Thirty days** after notice of the completion of an assessment for a local improvement, objections thereto must be presented. (§ 950 N. Y. City Charter.)

**Ten days** after the confirmation of an assessment for local improvements, notice thereof shall be published in the City Record for **ten days**. (§ 1018 N. Y. City Charter.)



**Sixty days** after an assessment for local improvements is entered, the same must be paid, or interest will be charged. (§ 1019 N. Y. City Charter.)

**Four months** after the confirmation of an assessment for a local improvement, including awards made for the change of grade of a street, the awards must be paid. (§ 953 N. Y. City Charter.)

**One year** after the confirmation of an assessment for a local improvement, proceedings to set the same aside must be commenced. (§ 963 N. Y. City Charter.)

**Twenty days** after the confirmation of an assessment for a local improvement, the notification clerk shall mail a notice thereof to each person affected thereby whose name is on record in the division of notification. (§ 1023a N. Y. City Charter.)

**Three months'** publication of a notice to owners of lands unclaimed after the expiration of the time for which the same were sold for taxes, must be given by the city before making improvements thereon. (§ 1035 N. Y. City Charter.)

### INCOMPETENT PERSON.

**Ten days** after the appointment of a committee an order of the court restraining persons who have acquired property without adequate consideration from the alleged incompetent person, from disposing of said property in any way, may be continued. (§ 2327 Code Civ. Pro.)

**Five years'** lease of real property may be given by a committee without direction of the court. (§ 2339 Code Civ. Pro.)

**Once each year** in January, a committee of property must file an inventory and account. (§ 2341 Code Civ. Pro.)

**Once each year** in February, the courts must examine all accounts and inventories filed by committees. (§ 2342 Code Civ. Pro.)

**Three months** after the entry of an order directing a committee to file his account if the committee fails to obey, the court may take steps for his removal. (§ 2342 Code Civ. Pro.)

### INDEMNITY.

**Two days** after an undertaking is given to indemnify an officer he must file the same with the clerk. (§ 1419 Code Civ. Pro.)

**Two days** after receiving a bond of indemnity the officer must serve notice of justification to be had **two** to **five** days later. (§ 1419 Code Civ. Pro.)

**Ten days** before judgment by default, an officer must give notice of an action brought against him to all persons liable to be substituted, or he cannot subsequently proceed against them. (§ 1427 Code Civ. Pro.)

### INDICTMENT.

**One day** must be allowed defendant to answer the indictment. (§ 311 Code Crim. Pro.)

### INFANT.

**One year** after judgment in an action against heirs or devisees an execution may issue against an infant heir. (§ 1858 Code Civ. Pro.)

### INJUNCTION.

**Twenty days** after submission of an application to obtain, vacate, modify or set aside an injunction order, the court must decide the same. (§ 719 Code Civ. Pro.)

**Ten days** after service, the attorney must file petition or affidavit upon which injunction, attachment, order of arrest or writ has been granted. (Rule 4, General Rules.)

**Five days'** notice of motion for an injunction against the tenement house department is required. (§ 1344b N. Y. City Charter.)

### INJURIES.

**Three years** after the cause of action accrues an action to recover damages for a personal injury resulting from negligence must be begun. (§ 383 Code Civ. Pro.)

**Six year** after accruing any other action for personal injury must be begun. (§ 382 Code Civ. Pro.)

**Six years** after the cause of action accrues an action to recover damages for an injury to property must be begun. (§ 302 Code Civ. Pro.)

### INQUEST.

**Thirty days** after an inquest upon a dead body the coroner must deliver to the county treasurer any money or other property found upon the body. (§ 785 Code Crim. Pro.)

**Thirty days** after the receipt of such property by the treasurer he must sell it at public auction. (§ 786 Code Crim. Pro.)

**Six years** is the limit of time within which such money may be demanded of the county treasurer by the legal representatives of the deceased. (§ 787 Code Crim. Pro.)

### INQUIRY.

*See* WRIT OF INQUIRY.

### INSOLVENT.

**Ten weeks** in succession, once each week, an order to show cause why an insolvent should not be discharged must be published, if any of the creditors live more than one hundred miles from the place where the order is returnable. (§ 2165 Code Civ. Pro.)

**Six weeks'** publication only is required if all the creditors live within one hundred miles. (§ 2165 Code Civ. Pro.)

**Twenty days'** service of the order, personally, must also be made on each creditor (§ 2165 Code Civ. Pro.), **or**

**Forty days'** service by mail must be made. (§ 2165 Code Civ. Pro.)

**Three weeks** before the hearing a copy of an order requiring the insolvent to produce his wife, who resides without the State, for examination, must be served upon him. (§ 2171 Code Civ. Pro.)

**Three years** after the assignment, a contingent interest vesting in the debtor, vests in the trustees. (§ 2177 Code Civ. Pro.)

**Three months** after the discharge all papers must be recorded in the office of the clerk. (§ 2181 Code Civ. Pro.)

**One year** after his discharge, the petitioner may apply to the court to have a judgment against him discharged of record. (§ 2182 Code Civ. Pro.)

### INSTRUMENT.

*See* LIMITATIONS; SEALED INSTRUMENT.

### INTERROGATORIES.

*See* COMMISSION.

### INVENTORY.

*See* SURROGATE'S COURT.

### IRREGULARITY.

*See* JUDGMENT.

### IRRELEVANCY.

*See* PLEADINGS.

### ISSUE.

*See* NOTE OF ISSUE.

### JAIL LIBERTIES.

**One week** after a resolution of the board of supervisors, establishing or altering jail liberties, has been filed in the office of the county clerk, he must deliver an exemplified copy thereof to the keeper of the jail. (§ 148 Code Civ. Pro.)

**Twenty days'** notice must be given of a motion by a sheriff for a summary judgment upon an undertaking for the jail liberties. (§ 163 Code Civ. Pro.)

### JOINT DEBTORS.

**Thirty days** after filing a statement showing the parties having an interest in a partnership for the transportation of passengers or property such statement is conclusive, and only the persons named therein can be made defendants in an action against the partnership. (§ 1945 Code Civ. Pro.)

### JUDGE.

**Ten days** are allowed a judge of a court of record after entering upon his official duties to file with the secretary of State a certificate stating his age and the time when his official term will expire. (§ 54 Code Civ. Pro.)

**Five years** is the term of office for which justices shall be designated to sit as justices of an Appellate Division, except the presiding justice of each department, who shall act as such during his term of office. (§ 220 Code Civ. Pro.)

### JUDGMENT.

#### Entering Judgment.

**Twenty days** after service of the summons is made, otherwise than personally, the plaintiff may apply to the court for judgment if the defendant has not appeared. (§ 1216 Code Civ. Pro.)

**Twenty days** after the appointment of a guardian *ad litem* judgment by default may be taken against an infant defendant. (§ 1218 Code Civ. Pro.)

**Five days'** notice of the time and place of an assessment by the clerk must be given a defendant who has appeared personally, but has made default in pleading (§ 1219 Code Civ. Pro.), and

**Eight days'** notice of the application for judgment must be given. (§ 1219 Code Civ. Pro.)

**Five days'** notice of the time and place of the execution of a reference or writ of inquiry must be given to a defendant in an action where an application to the court is required. (§ 1219 Code Civ. Pro.)

**Four days** after the entry of an order by an Appellate Division refusing a new trial, judgment may be taken. (§ 1227 Code Civ. Pro.)

### **Appearance After Judgment.**

**One year** after personal service of a notice of judgment except in certain cases, a defendant not personally served with the summons may be allowed to defend. (§ 445 Code Civ. Pro.)

**Seven years** after filing of the judgment-roll, where no notice of judgment was personally served, the defendant may be allowed to defend. (§ 445 Code Civ. Pro.)

### **Against Infant Defendant.**

**Twenty days** after the appointment of a guardian *ad litem*, and not sooner, judgment by default may be taken against an infant defendant. (§ 1218 Code Civ. Pro.)

### **Against Insolvent.**

**One year** after his discharge, the petitioner may apply to the court to have a judgment against him discharged of record. (§ 2182 Code Civ. Pro.)

### **Arrest.**

**Ten days** after plaintiff may take judgment, except in the case of a court order, he must do so, or defendant will be discharged. (§ 572 Code Civ. Pro.)

**Ten days** after the return of a property execution or **three months** after taking judgment, plaintiff must issue an execution against the person. (§ 572 Code Civ. Pro.)

### **Dissolution of Corporation.**

**Four weeks'** publication in the State paper of the judgment annulling a corporation is necessary. (§ 1803 Code Civ. Pro.)

### **Against New York City.**

**Ten days'** notice of a judgment obtained against New York city must be given the comptroller before execution thereupon can issue. (§ 264 N. Y. City Charter.)

### Offer of Judgment.

**Ten days** after the receipt of an offer of judgment, by the plaintiff or defendant, the same may be accepted and judgment entered accordingly. (§§ 738, 739 Code Civ. Pro.)

### Confession of Judgment.

**Three years** after the defendant's statement is verified it may be filed with the county clerk. (§ 1275 Code Civ. Pro.)

### Amending Judgment.

**Ten years** is the limit of time within which a judgment entered against a debtor under a fictitious name may be amended by inserting the true name of said debtor. (§ 1251 Code Civ. Pro.)

### Vacating a Judgment.

**One year** after entry a motion to vacate for irregularity may be heard. (§ 1282 Code Civ. Pro.)

**Two years** after entry a motion to vacate for error in fact not arising on the trial may be heard. (§1290 Code Civ. Pro.)

**Five years** may be added to the time limited as above for moving to set aside a judgment when the person entitled to make the motion was at the time judgment was rendered against him either,

1. Within the age of twenty-one years; or
2. Insane; or
3. Imprisoned on a criminal charge, or in execution, upon conviction of a criminal offence, for a term less than for life; but in no case can the time be extended more than **one year** after the disability ceases. (§ 1291 Code Civ. Pro.)

**One year** after a judgment or order is taken against a party through his mistake, neglect, etc., the court may relieve him therefrom. (§ 724 Code Civ. Pro.)

### Lien of Judgment.

**Ten years** a judgment remains a lien on real estate. (§ 1251 Code Civ. Pro.)



**Execution.**

**Five years** after the entry of a judgment execution may be issued thereon as of course. (§ 1375 Code Civ. Pro.)

**Twenty days'** notice to the occupants of land sought to be recovered and to the representatives of a deceased party against whom a judgment for the recovery of real property has been obtained must be given of an execution to be issued thereupon. (§ 1376 Code Civ. Pro.)

**Five years** after judgment representatives of a deceased plaintiff or assignee of judgment may issue execution as of course. (§ 1376 Code Civ. Pro.)

**Five years** after judgment execution against property can issue when one issued within five years was returned wholly or partly unsatisfied or where court grants leave to issue it. (§ 1377 Code Civ. Pro.)

**Twenty days** after the entry of a judgment declaring null and void the title of a purchaser of real property, the plaintiff in an action shall pay to the grantee or purchaser the money which was paid upon the sale with the proper costs. (§ 1440 Code Civ. Pro.)

**Satisfaction.**

**Two years** after entering, a satisfaction may be executed by the attorney of record of the judgment-creditor. (§ 1260 Code Civ. Pro.)

**One year** after a bankrupt is discharged from his debts he may apply to the court to have a judgment against him cancelled. (§ 1268 Code Civ. Pro.)

**Once a week** for not more than **three weeks**, the notice of application by a bankrupt for the discharge of a judgment against him must be published where the creditor is a non-resident or his residence is unknown, etc. (§ 1268 Code Civ. Pro.)

**Appeals.**

**Twenty days** after an appeal is perfected the appellant must file the judgment-roll and other necessary papers. (§ 1315 Code Civ. Pro.)

**Ten days** after the entry of a judgment in the appellate court reversing or modifying a judgment for a sum of money, the clerk must correct his docket to that effect and must furnish the county clerk in whose office the judgment is also docketed a transcript of his corrected docket. (§ 1321 Code Civ. Pro.)

**Ten days'** notice must be given before one who appeals from a judgment in favor of the owner of real estate in an action to compel the specific performance of a contract for the sale thereof, files his undertaking to pay such owner such damages as he may suffer by reason of such appeal. (§ 1323 Code Civ. Pro.)

### **Action Upon.**

**Six years** after the cause of action accrues an action upon a judgment or decree of a **court not of record**, except where a transcript has been filed, must be begun. (§ 382 Code Civ. Pro.)

**Ten years** after docketing, an action upon a judgment may be commenced. (§ 1913 Code Civ. Pro.)

**Twenty years** after a judgment or decree for a sum of money is rendered or docketed it is presumed to have been paid unless within that time a payment or a written acknowledgment of an indebtedness of the whole or part of the sum recovered has been made. (§ 376 Code Civ. Pro.)

### **City Court of New York.**

**Two days'** notice must be given of an application for judgment upon a frivolous pleading, or to strike out a sham pleading, or for a judgment upon the defendant's default, or the execution of a reference or writ of inquiry or of an assessment thereupon. (§ 3161 Code Civ. Pro.)

### **Municipal Court of New York.**

**Fourteen days** after an issue of fact is submitted to a justice of the Municipal Court of New York, he must render judgment. (§ 230 Mun. Ct. Act.)

**Five days** after judgment is rendered in the Municipal Court of New York, a motion to set aside, vacate or amend the same may be made (§ 254 Mun. Ct. Act), **and**

**Two days'** notice of such motion must be given. (§ 254 Mun. Ct. Act.)

**Six years** after the entry of a judgment of the Municipal Court of New York, an execution may be issued. (§ 260 Mun. Ct. Act.)

**Ten years** after the entry of a judgment of the Municipal Court of New York, which is docketed in the office of the county clerk the same is a charge upon real property. (§ 263 Mun. Ct. Act.)

**Twenty years** after a judgment of the Municipal Court of New York, docketed in the office of the county clerk, could first be enforced by execution, the same is presumed to have been satisfied, unless a payment has in the meantime been made thereon. (§ 262 Mun. Ct. Act.)

### Justice's Court.

**One hour** after the return of the summons or hour of adjournment judgment may be taken by default. (§ 3013 Code Civ. Pro.)

**Four days** after an issue of fact is submitted to the justice, he must render judgment. (§ 3015 Code Civ. Pro.)

**Six years** after judgment is rendered a transcript thereof may be filed in the county clerk's office. (§ 3017 Code Civ. Pro.)

**Five years** after entry, in an action brought upon a judgment of a justice of the peace, no costs can be recovered, unless the said justice is dead, out of office, incapable of acting, or removed from the county, or unless one of the parties has died, or unless the docket is lost or destroyed. (§ 3154 Code Civ. Pro.)

## JUDGMENT CREDITOR'S ACTION.

**Two days'** notice of the justification of the sureties to an undertaking given by the defendant to release real estate must be given. (§ 1674 Code Civ. Pro.)

**Sixty days'** earnings next before the commencement of the action are exempt from levy and sale under execution. (§ 1879 Code Civ. Pro.)

## JURORS.

### Drawing of Jurors.

**Fourteen to twenty days** before the term, the jury to serve thereat must be drawn. (§§ 1042, 1140 Code Civ. Pro.)

**Six days** before drawing clerk must publish a notice thereof. (§ 1043 Code Civ. Pro.)

**Three days** before drawing clerk must serve notice thereof upon the sheriff, county judge, etc. (§ 1043 Code Civ. Pro.)

**Six days** before the term the sheriff or commissioner of jurors must serve notice to attend upon jurors. (§§ 1048, 1106 Code Civ. Pro.)

**Twenty days** before term an order of the court, for the drawing of additional jurors, must be delivered to the clerk. (§ 1057 Code Civ. Pro.)

**Three days'** notice to attend must be given jurors in Kings county. (§ 1129 Code Civ. Pro.)

**Three days** before drawing in New York city, the commissioner must serve notice thereof upon the county clerk and three judges. (§ 1100 Code Civ. Pro.)

**Sixteen days** before the term, in counties having a population of between two and three hundred thousand, grand and trial jurors shall be drawn (Laws 1897, ch. 346, § 10), but

**Fourteen to twenty days** before the term, such jurors may be drawn if so ordered by the court. (Id. § 10.)

**Ten days** after the close of the term or the discharge of the trial jury, the clerk shall certify to the commissioner of jurors the record of jurors for the term. (Id. § 14.)

**Eight days'** notice of the drawing of a special jury must be given. (§ 1064 Code Civ. Pro.)

**Twenty days** before the term the sheriff must notify the county clerk or commissioner of jurors that a foreign jury is to be drawn. (§ 1070 Code Civ. Pro.)

### Service.

**Twenty-five hours'** notice must be given a person to attend before a commissioner to testify concerning his own or another's liability. (§ 1095 Code Civ. Pro.)

**Two days'** notice to appear before commissioner of jurors must be given jurors in Kings county. (§ 1132 Code Civ. Pro.)

**Twelve days'** service only, in a jury year, is required in New York city. (§ 1084 Code Civ. Pro.)

**Six days'** service **only**, at a term, is required of trial jurors in Albany and Kings counties. (§§ 1053, 1129 Code Civ. Pro.)

**Three days** a juror, in New York city, may be excused during the term. (§ 1085 Code Civ. Pro.)

**One week** after the close of the term the county clerk of Kings county must make a return to the commissioner of the jurors who served thereat. (§ 1131 Code Civ. Pro.)

**Ten days** after close of term each court clerk, in New York city, must make return to the commissioner of jurors who served thereat. (§ 1089 Code Civ. Pro.)

### Fining Jurors.

**Thirty days'** imprisonment may be imposed upon a delinquent juror, in New York city, who does not pay his fine. (§ 1117 Code Civ. Pro.)

**Once every three months** the corporation counsel of New York city shall report to the mayor the number and names of the jurors fined. (§ 1119 Code Civ. Pro.)

**Ten days** thereafter the mayor shall publish such report in the City Record. (§ 1119 Code Civ. Pro.)

**Twenty-four hours** after a trial juror has been approached by outside parties with a view to secure his exemption from jury duty, for a reward, he must notify the commissioner of jurors, or he is guilty of misdemeanor. (§ 1124 Code Civ. Pro.)

**Three days'** notice must be given by the commissioner of Kings county to each delinquent trial juror, requiring him to show cause why his fine should not be remitted. (§ 1154 Code Civ. Pro.)

**Ten days** after the disposition of each case by the board the commissioner of Kings county must file a return containing the name of each juror fined whose fine remains unpaid. (§ 1555 Code Civ. Pro.)

**Ninety days** after the said commissioner receives a precept from the clerk, commanding him to levy and enforce the collection of each fine, he must return it. (§ 1135 Code Civ. Pro.)

**Thirty days** after the service of a notice of a fine upon a person notified to attend as a juror in a special proceeding, the officer imposing the fine must make a special return of the delinquency for which the fine was imposed, if he has not remitted it. (§ 1198 Code Civ. Pro.)

**Ten days** after a fine is imposed upon a juror in the Municipal Court of New York for non-attendance, the clerk of the court shall notify the commissioner of jurors thereof. (§ 233 Mun. Ct. Act.)

### **Interested Juror.**

**Six months** from the date of verdict any party may raise an objection that one of the jurors was related to another of the parties. (§ 1166 Code Civ. Pro.)

### **Justice's Court.**

**Three days** before trial constable must notify jurors to attend. (§ 2993 Code Civ. Pro.)

**Thirty-six hours** after issuing attachment therefor delinquent jurors must be brought before the justice. (§ 2996 Code Civ. Pro.)



**Forty-eight hours** after a jury is discharged for disagreement a new venire must be returnable. (§ 3008 Code Civ. Pro.)

### JURY.

**Ten days** after the joinder of issue in a case where a jury is not provided for by the Code either party may give notice of a special motion that the issue be tried by jury. (Rule 31, General Rules.)

**Two days'** notice of an application for a special jury in Kings county must be given the adverse party. (Laws 1902, ch. 564, § 11.)

**Fourteen days** after an issue of fact is submitted to a justice of the Municipal Court of New York, he may order a trial by jury (§ 232 Mun. Ct. Act), and

**Eight days** thereafter such trial must be had. (§ 232 Mun. Ct. Act.)

### JURY LIST.

**Once every three years** new list to be made. (§ 1035 Code Civ. Pro.)

**Ten days** after a meeting therefor list to be filed with the county clerk. (§ 1037 Code Civ. Pro.)

**Ten days** after list is filed town clerk shall deliver copies to justices. (§ 2990 Code Civ. Pro.)

**Once each year** commissioner of jurors in New York city shall prepare list. (§§ 1094, 1096 Code Civ. Pro.)

**Once each year** the commissioner of jurors in Kings county must prepare a jury list. (§ 1135 Code Civ. Pro.)

**Ten days'** publication of such list is required. (§ 1136 Code Civ. Pro.)

**Twenty-four hours'** notice must be given by the commissioner of jurors in New York city to any person whose testimony in regard to the jury list is desired. (§ 1095 Code Civ. Pro.)

**Ten days'** publication of notice of hearing of claims for exemption by the commissioner of jurors in New York city, is required. (§ 1094 Code Civ. Pro.)



**Once a year** the commissioner of jurors shall furnish each district of the Municipal Court of New York with a jury list. (§ 233 Mun. Ct. Act.)

## JUSTICE'S COURT.

### Summons.

**Six to twelve days** after the date of issue the summons must be made returnable. (§ 2877 Code Civ. Pro.)

**Six days** before the return day the summons must be served. (§ 2878 Code Civ. Pro.)

**Thirty days** before the issuing of a summons, a domestic railroad corporation, express company or insurance company must have filed a designation of a person residing in the county upon whom a justice's process may be served, or service may be made upon any agent in the county. (§§ 2880, 2881 Code Civ. Pro.)

**Twenty days** after the issuing of a summons not served a second summons may be issued. (§ 2883 Code Civ. Pro.)

**Twenty days** after the issuing of the second summons a third summons may be issued. (§ 2883 Code Civ. Pro.)

### Arrest.

**One hour** after the defendant is brought before the justice, a plaintiff who has been notified must appear. (§ 2899 Code Civ. Pro.)

**Twelve hours'** and no longer, a defendant may be kept in custody unless within that time a venire is issued or the trial commenced. (§ 2900 Code Civ. Pro.)

**Two days'** notice of an application to discharge the defendant from arrest must be given. (§ 2901 Code Civ. Pro.)

### Attachment.

**Six months'** absence from the United States by a resident of the State will entitle a plaintiff to a warrant of attachment against the property of the absentee. (§ 2906 Code Civ. Pro.)

**Six days** before the return day of the summons the attachment must be executed. (§§ 2907, 2909 Code Civ. Pro.)

**Six days** before the return day of the summons the warrant, inventory and summons must be served upon the defendant. (§ 2910 Code Civ. Pro.)

**Six months'** undertaking may be given by the defendant to release the attachment. (§ 2911 Code Civ. Pro.)

**Three months'** undertaking must be given by a claimant not a party to the action to the effect that he will commence an action to establish the ownership of the property. (§ 2912 Code Civ. Pro.)

### **Replevin.**

**Six days** before the return day of the summons the replevy must be made. (§ 2921 Code Civ. Pro.)

**Six days** before the return day of the summons the constable must serve the summons, affidavit and requisition. (§ 2922 Code Civ. Pro.)

**Two days** before the return day the defendant may except to the plaintiff's sureties. (§ 2924 Code Civ. Pro.)

**Three months** after the delivery of the chattel replevied to the plaintiff an outside claimant who has served the proper affidavit may issue summons in action against the constable. (§ 2929 Code Civ. Pro.)

**Three months** after the issuing of the summons it must be served. (§ 2929 Code Civ. Pro.)

### **Joinder of Issue.**

**One hour** after the time specified in the summons issue must be joined. (§§ 2893, 2934 Code Civ. Pro.)

### **Pleadings.**

**Twenty days** after the defendant who has raised a petition that the title to real property will come in question delivers to the justice a written undertaking, the plaintiff must deposit with the justice a summons and complaint in a new action in the proper court, the undertaking of the defendant being to the effect that within twenty days after the deposit he will admit service thereof. (§ 2952 Code Civ. Pro.)

### **Adjournment.**

**Eight days** from the joining of issue trial may be adjourned upon motion of the justice or plaintiff or to draw a jury, unless in the later case the parties consent to a longer adjournment. (§§ 2959, 2960, 2991 Code Civ. Pro.)

**Ten days'** undertaking, dated from the recovery of judgment, must be given by the defendant upon motion for adjournment if the plaintiff so demands. (§ 2962 Code Civ. Pro.)

**Ten days'** undertaking, dating from judgment, must be given by a defendant, who has been arrested, upon motion for adjournment if he desires to be released from custody. (§ 2963 Code Civ. Pro.)

**Five days'** adjournment may be granted by the justice where a warrant of attachment is issued to compel the attendance of a witness. (§ 2967 Code Civ. Pro.)

**Ninety days** from the joinder of issue, unless by consent of both parties, the trial shall not be adjourned, except to procure a new jury; an adjournment because of a defaulting witness not being a part of such time. (§ 2968 Code Civ. Pro.)

### **Attendance of a Witness.**

**Five days** after judgment the justice, upon application, must issue a warrant against a defaulting witness. (§ 2975 Code Civ. Pro.)

**Twelve days** after issuing the warrant it must be returned. (§ 2975 Code Civ. Pro.)

**Thirty days'** imprisonment may be imposed by the justice for the neglect on the part of a defaulting witness to pay a fine. (§ 2977 Code Civ. Pro.)

**Ten days** after the receipt of the fine it must be paid over for the benefit of the poor. (§ 2978 Code Civ. Pro.)

### **Contempt of Court.**

**Five days'** imprisonment for contempt may be imposed in Justices' Courts (§ 2871 Code Civ. Pro.), but

**Ten days** further imprisonment may be added in Justices' Courts for non-payment of fine. (§ 2871 Code Civ. Pro.)

**Ten days** after conviction for contempt in Justices' Courts the record of conviction must be filed by the justice. (§ 2873 Code Civ. Pro.)

**Ten days** after the receipt of the fine for contempt imposed in Justices' Courts, the officer receiving must pay the money for the benefit of the poor. (§ 2875 Code Civ. Pro.)

### **Commission to Take Testimony.**

**Six days'** notice of an application for the commission must be given where such application is made after the joinder of issue. (§ 2982 Code Civ. Pro.)

### **Jury List.**

**Ten days** after list is filed town clerk shall deliver copies to justices. (§ 2990 Code Civ. Pro.)

### **Trial.**

**Three days** before trial constable must notify jurors to attend. (§ 2993 Code Civ. Pro.)

**Thirty-six hours** after issuing attachment therefor delinquent jurors must be brought before the justice. (§ 2996 Code Civ. Pro.)

**Forty-eight hours** after a jury is discharged for disagreement a new venire must be returnable. (§ 3008 Code Civ. Pro.)

### **Judgment.**

**One hour** after the return of the summons or hour of adjournment judgment may be taken by default. (§ 3013 Code Civ. Pro.)

**Four days** after an issue of fact is submitted to the justice, he must render judgment. (§ 3015 Code Civ. Pro.)

**Six years** after judgment is rendered a transcript thereof may be filed in the county clerk's office. (§ 3017 Code Civ. Pro.)

### Execution Against Property.

**Five years** after judgment execution thereon may be issued by the justice. (§§ 3024, 3027 Code Civ. Pro.)

**Sixty days** after it is dated an execution must be made returnable. (§§ 3025, 3027 Code Civ. Pro.)

**Six days** before the sale of personal property, taken by a constable under an execution notice thereof must be posted. (§ 3029 Code Civ. Pro.)

**Five days** after the return day of an execution to recover a sum of money only, if the constable fails to return it, the defendant may recover the amount thereof from the constable. (§ 3039 Code Civ. Pro.)

### Execution Against Person.

**Thirty days** after being taken into custody a person imprisoned under the justice's execution must be released if he has a family within the State. (§ 3033 Code Civ. Pro.)

**Sixty days** he may be kept otherwise. (§ 3033 Code Civ. Pro.)

### Appeals.

**Twenty days** after judgment or service of notice thereof an appeal must be taken. (§ 3046 Code Civ. Pro.)

**Five years** after the entry of judgment an appeal cannot be taken in any case. (§ 3046 Code Civ. Pro.)

**Ten days** after service of a copy of an undertaking on appeal the defendant may except to the sureties. (§ 3050 Code Civ. Pro.)

**Ten days** thereafter the sureties must justify. (§ 3050 Code Civ. Pro.)

**Five days'** notice of the justification must be given. (§ 3050 Code Civ. Pro.)

**Ten to thirty days** after the service of the notice of appeal the justice must make his return. (§ 3053 Code Civ. Pro.)

**Six days'** notice of an application for an order of restitution must be given where the judgment of the justice is reversed or modified. (§ 3058 Code Civ. Pro.)

**Twenty days** after the service of the notice of appeal the respondent may stipulate that the judgment be reversed, in a case where a new trial is not demanded in the appellate court. (§ 3062 Code Civ. Pro.)

**Eight days'** notice of trial of the appeal must be given. (§ 3062 Code Civ. Pro.)

### **Amending Justice's Return.**

**Twenty days** after the certificate of the County Court, where the latter cannot hear an appeal from a justice's judgment, notice of motion to compel the justice to amend his return must be given. (Rule 46, General Rules.)

### **Appeal for a New Trial in Appellate Court.**

**Fifteen days** after the service of the notice of appeal, or at any time after the action is deemed to be at issue in the appellate court, either party may offer to allow judgment to be rendered against him. (§§ 3070, 3072 Code Civ. Pro.)

**Ten days** after the offer is made it must be accepted. (§§ 3070, 3072 Code Civ. Pro.)

**Ten days** from the filing of the justice's return the action is deemed to be at issue in the appellate court. (§ 3071 Code Civ. Pro.)

### **Strays Upon Highways.**

**Ten to twenty days** after the issuing of a precept directing the owner of a stray to show cause why it should not be sold, such precept must be returnable. (§ 3087 Code Civ. Pro.)

**Six days** before the return day thereof the precept must be personally served. (§ 3088 Code Civ. Pro.)

**Five days** before the return day thereof the precept must be served by posting. (§ 3088 Code Civ. Pro.)

**One hour** after the return time of the precept the justice must await the appearance of both parties. (§ 3089 Code Civ. Pro.)



**Ten to twenty days** after an order of sale is made the constable must hold the sale and make his return. (§ 3091 Code Civ. Pro.)

**Six days'** notice of sale must be posted by the constable. (§3091 Code Civ. Pro.)

**Ten days** after the return of the warrant any person may file a claim to the surplus of the proceeds of the sale. (§ 3093 Code Civ. Pro.)

**On the eleventh day** after the return, or on the next legal day thereafter, the justice must determine the claims. (§ 3093 Code Civ. Pro.)

**Thirty days'** adjournment of the hearing may be granted. (§ 3093 Code Civ. Pro.)

**One year** after the return of the warrant any person may file a claim to any part of the surplus still undistributed. (§ 3093 Code Civ. Pro.)

**One year** after the return of the warrant any surplus remaining must be paid over for the benefit of the poor. (§ 3094 Code Civ. Pro.)

**Ten days** after the year has expired the justice must finally determine all claims to the surplus before him. (§ 3094 Code Civ. Pro.)

**Ten days** after an order determining a claim is made an appeal therefrom must be taken. (§ 3095 Code Civ. Pro.)

**Three days** before the sale, and at any time after the final order, the owner of a stray may demand possession upon complying with certain requirements. (§ 3101 Code Civ. Pro.)

**Ten days** after the final order upon a petition is made an appeal must be taken. (§ 3104 Code Civ. Pro.)

**Three days'** adjournment of a hearing to determine the amount due on an undertaking may be had. (§ 3106 Code Civ. Pro.)

### Removal of Justice.

**Ten days** after notice of his removal a justice must deposit his docket and other books and papers with the town clerk. (§ 3144 Code Civ. Pro.)



### Recovery of Costs.

Five years after entry, in an action brought upon a judgment of a justice of the peace, no costs can be recovered, unless the said justice is dead, out of office, incapable of acting, or removed from the county, or unless one of the parties has died, or unless the docket is lost or destroyed. (§ 3154 Code Civ. Pro.)

## JUSTIFICATION OF SURETIES.

### Arrest.

Three days after bail is given, the sheriff must deliver to the plaintiff's attorney copies of the order of arrest, return and undertaking. (§ 577 Code Civ. Pro.)

Ten days after the receipt thereof by the plaintiff he may except to the sureties. (§ 577 Code Civ. Pro.)

Ten days after receipt of the notice of exception the sheriff must give notice of justification. (§ 578 Code Civ. Pro.)

Five to ten days thereafter the sureties must justify. (§ 578 Code Civ. Pro.)

From time to time the examination of the sureties may be adjourned. (§ 580 Code Civ. Pro.)

### Attachment.

Three days after service of an undertaking on a motion to discharge an attachment, plaintiff must except to the sureties. (§ 690 Code Civ. Pro.)

Ten days after service of the notice of exception, defendant must give notice of justification. (§ 690 Code Civ. Pro.)

Five to ten days after last-named notice a hearing must be had. (§ 690 Code Civ. Pro.)

Two days after receiving the bond of indemnity the sheriff must serve notice of justification of sureties. (§ 658 Code Civ. Pro.)

Two to five days thereafter the sureties must justify. (§ 658 Code Civ. Pro.)

### Replevin.

**Three days** after a chattel is replevied the defendant may except to the sureties on the undertaking. (§ 1703 Code Civ. Pro.)

**Ten days** after such exception plaintiff must serve notice of justification. (§ 1703 Code Civ. Pro.)

**Three days** after a chattel is replevied the defendant may serve a notice and undertaking requiring a return of the chattel. (§ 1704 Code Civ. Pro.)

**Three days** thereafter defendant must serve notice of justification of the sureties to the undertaking. (§ 1704 Code Civ. Pro.)

**Five to ten days** after service of the notice thereof justification must be had. (§ 1705 Code Civ. Pro.)

### Replevin in Justice's Court.

**Two days** before the return day the defendant may except to the plaintiff's sureties. (§ 2924 Code Civ. Pro.)

### Discharge of Lien.

**Five days'** notice of justification of sureties on a bond given to discharge a lien is required. (Lien Law, §§ 18, 20.)

### Security for Costs.

**Ten days** after notice of filing of undertaking, defendant must except to sureties. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Ten days** after exception, notice of justification must be given. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Five to ten days** after notice thereof, justification must be had. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3161 Code Civ. Pro.)

**Judgment Creditor's Action.**

**Two days'** notice of the justification of the sureties to an undertaking given by the defendant to release real estate must be given. (§ 1674 Code Civ. Pro.)

**Execution Against Property.**

**Two days** after receiving a bond of indemnity the officer must serve notice of justification to be had **two to five days** later. (§ 1419 Code Civ. Pro.)

**Appeal to Court of Appeals.**

**Ten days** after service of a copy of the undertaking with notice of filing thereof on the appellant's attorney, the latter can except to the sufficiency of the sureties. (§ 1335 Code Civ. Pro.)

**Ten days** after service of such notice of exception the sureties must justify. (§ 1335 Code Civ. Pro.)

**Five days'** notice of justification must be given. (§ 1335 Code Civ. Pro.)

**Appeal from Justice's Court.**

**Ten days** after service of a copy of an undertaking on appeal the defendant may except to the sureties. (§ 3050 Code Civ. Pro.)

**Ten days** thereafter the sureties must justify. (§ 3050 Code Civ. Pro.)

**Five days'** notice of the justification must be given. (§ 3050 Code Civ. Pro.)

**New York Surrogate's Court.**

**Five days'** notice must be given of the examination of sureties on a bond executed by an executor, administrator, guardian or trustee (Rule 17, N. Y. Surrogates' Court), and

**Five days** after the service of an order to that effect, new sureties must be substituted. (Rule 17, N. Y. Surrogates' Court.)

**Ten days** after the filing of the undertaking on appeal from the Surrogates' Court of New York, the respondent may except to the sureties. (Rule 16, N. Y. Surrogates' Court.)

**Ten days** thereafter the sureties must justify. (Rule 16, N. Y. Surrogates' Court.)

**Five days'** notice of such justification must be given. (Rule 16, N. Y. Surrogates' Court.)

### City Court of New York.

**Two days'** notice of justification of sureties on an undertaking given as security for the defendant's costs must be given. (§§ 3161, 3168 Code Civ. Pro.)

**Two days'** notice of exception to the sureties in such case must be given. (§ 3168 Code Civ. Pro.)

**Two to ten days'** notice of the justification of bail must be given. (§ 3161 Code Civ. Pro.)

**Five days** after the delivery to the plaintiff's attorney of the order of arrest, return, and undertaking, he must except to the sureties. (§ 3168 Code Civ. Pro.)

**Five days** thereafter notice of justification must be given. (§ 3168 Code Civ. Pro.)

**Two or ten days'** notice of justification must be given. (§ 3161 Code Civ. Pro.)

### Municipal Court of New York.

**Two days'** notice of justification of sureties on an undertaking given to discharge an attachment must be given in the Municipal Court of New York. (Rule 16, N. Y. Municipal Court.)

**Two days** before the return day of the summons, in the Municipal Court of New York, the defendant may except to the plaintiff's sureties in an action in replevin. (§ 106 Mun. Ct. Act.)

**One day only**, except by consent, may the examination of sureties on a bond in replevin, in the Municipal Court of New York, be adjourned. (§ 109 Mun. Ct. Act.)

**Five days** after the service of the undertaking in an appeal from the Municipal Court of New York, the respondent may except to the sureties (§ 315 Mun. Ct. Act.), and

**Five days** thereafter the sureties must justify (§ 315 Mun. Ct. Act.), and

**Three days'** notice of the justification must be given. (§ 315 Mun. Ct. Act.)

### LEGACY.

**One year** after the granting of letters the administrator may pay the legacies, but not before, unless by order of the court. (§ 2721 Code Civ. Pro.)

**One year** after letters are issued a legatee or devisee may petition for the payment of his claim. (§ 2722 Code Civ. Pro.)

**One year** after the granting of letters an action may be brought against an administrator or executor to compel him to pay a legacy. (§ 1819 Code Civ. Pro.)

### LETTERS.

*See* SURROGATE'S COURT.

### LIABILITY.

*See* STATUTORY LIABILITY.

### LIBEL.

**Two years** after the cause of action accrues, an action to recover damages for libel must be begun. (§ 384 Code Civ. Pro.)

### LIBERTIES.

*See* JAIL LIBERTIES.

### LIEN.

**Of Judgment.**

**Ten years** a judgment remains a lien on real estate. (§ 1251 Code Civ. Pro.)

### Mechanic's Lien.

**Ninety days** after the completion of the contract the notice of lien must be filed. (Lien Law, § 10.)

**Ten days** after filing, a copy of the notice must be served upon a railroad corporation. (Id. § 6.)

**Thirty days** before filing, the lien extends back to cover property assigned under a general assignment for the benefit of creditors. (Id. §§ 4, 13.)

**One year** after filing, an action upon the claim must be commenced or the lien ceases to be of force. (Id. § 16.)

### **Action to Enforce.**

**Thirty days'** notice to a lienor to commence an action to enforce his lien or show cause why the same should not be discharged is required. (§ 3417 Code Civ. Pro.)

**Ten days** after the owner of real property, to enforce a mechanic's lien against which an action has been brought, has offered to pay money or deposit securities into court, a written acceptance thereof must be filed. (§ 3413 Code Civ. Pro.)

**Twelve to twenty** days after the date thereof, or after the day of the last publication thereof, a summons, in an action brought to enforce a mechanic's lien in a court not of record, must be returnable. (§ 3404 Code Civ. Pro.)

**Eight days** before the return day of the summons in an action brought to enforce a mechanic's lien in a court not of record, the same must be served. (§ 3404 Code Civ. Pro.)

**Once a week** for three successive weeks, a summons in an action brought to enforce a mechanic's lien in a court not of record may be published. (§ 3405 Code Civ. Pro.)

### **Sale of Personal Property.**

**Ten days** after service of a notice of sale of personal property to satisfy a lien thereon, the owner must pay the amount thereof. (Lien Law, § 81.)

**Once a week, for two weeks**, notice of the sale must be published (Id. § 82), or

**Ten days** before the sale, the notice must be posted. (Id. § 82.)

**Fifteen days** after the first publication, the sale shall take place. (Id. § 82.)

**Thirty days** after the sale of personal property to satisfy a lien thereon, the owner must demand the balance of the proceeds thereof. (Id. § 84.)

**Five years** thereafter, such proceeds must be paid into the general fund of the city, town or village. (Id. § 84.)

### Discharge of Lien.

**Five days'** notice of the payment of money into court to discharge a lien must be given to all parties to the action. (Lien Law, § 19.)

**Five days'** notice of justification of sureties on a bond given to discharge a lien is required. (Lien Law, §§ 18, 20.)

### Against Vessels.

**Ten days** after the damage is done, a lien for damages caused by a vessel must be filed (Lien Law, § 31.)

**Thirty days** after it is contracted, a lien against a vessel for a debt must be filed. (Lien Law, § 32.)

**Six months** after the first of January next succeeding the time when the debt was contracted, a lien against a vessel navigating the western or northwestern lakes or the St. Lawrence river must be enforced by action. (Lien Law, § 33.)

**Twelve months** after the debt was contracted, in the case of any other vessel, the action must be commenced (Id. § 33), but

**Thirty days** after the vessel returns to port, the time to commence the action may be extended. (Id. § 33.)

**Ten days** after a sheriff has seized a vessel, he must make return of his proceedings. (§ 3422 Code Civ. Pro.)

**Eight days** before the return thereof an order to show cause why a vessel should not be sold to satisfy a lien thereon must be served. (§ 3423 Code Civ. Pro.)

**Ten days** after the execution of a warrant to seize a vessel in an action to enforce a lien thereon, the order to show cause and copy of application must be served. (§ 3423 Code Civ. Pro.)



**Three days** after the issue of a warrant to enforce a lien on a vessel, notice of such issuance shall be published (§ 3424 Code Civ. Pro.), and

**Once a week** for **two** consecutive weeks such notice must be published (§ 3424 Code Civ. Pro.), and

**Ten days** after the first publication, such notice shall be served personally or by mail on other claimants, where the vessel is used to navigate the canals or lakes of this State. (§ 3424 Code Civ. Pro.)

**Ten days** after the receipt of an order to sell a vessel in proceedings to enforce a lien thereon, and sheriff shall sell the same. (§ 3427 Code Civ. Pro.)

**Once a week** for **three** successive weeks, the justice granting an order of sale of a vessel, shall cause notice of distribution of the proceeds of such sale to be published (§ 3428 Code Civ. Pro.), and

**Thirty to forty days** from the first publication such distribution shall be made. (§ 3428 Code Civ. Pro.)

**Five days** after the filing of an answer contesting any claim made against a vessel, a copy of such answer must be served upon the person whose claim is contested. (§ 3430 Code Civ. Pro.)

**Once a week** for **two** consecutive weeks, the applicants for surplus moneys arising from the sale of a vessel to satisfy a lien thereon, must publish a notice of the distribution thereof. (§ 3434 Code Civ. Pro.)

**One days'** notice must be given of an application for the discharge of a warrant. (§ 3435 Code Civ. Pro.)

**Three months** after an undertaking is given to discharge a warrant, the same must be prosecuted by action. (§ 3438 Code Civ. Pro.)

**Five days'** notice of an application to discharge a lien filed against a vessel, before the issuance of a warrant, must be given. (§ 3441 Code Civ. Pro.)

### For Public Improvements.

**Thirty days** after the completion and acceptance of a public improvement, a notice of lien on account thereof must be filed. (Lien Law, § 12.)

**Three months** after filing an action to foreclose must be begun, unless the time be extended by the court. (Id. § 17.)

### On Cemetery Structures.

**One year** after the bill for placing any structure in a cemetery becomes due, a notice of lien must be filed with the superintendent thereof. (Lien Law, § 41.)

**Ten days** after filing, a copy of the notice of lien shall be served upon the contractor and owner. (Id. § 41.)

**Ten days** before the sale of cemetery property to satisfy a lien, notice thereof must be published and served. (Id. § 41.)

### On Quarries.

**Thirty days** after the completion of the work, a lien for labor on stone must be filed. (Lien Law, § 50.)

**Five days** after filing, a copy of the notice of lien must be served on the owner or person in charge of the quarry. (Id. § 50.)

**Three months** after filing, an action thereon must be commenced. (Id. § 51.)

### For Service of Stallion.

**One year** after service, the owner of a stallion shall file his lien on the mare and foal. (Lien Law, § 60.)

**Eighteen months** after filing, an action upon said lien must be commenced. (Id. § 60.)

### For Expenses of Board of Health.

**Six months** after notice of filing of a lien for expenses incurred by the health department, the lien shall be deemed conclusive as against the property. (§ 1278 N. Y. City Charter.)

**Four years** after filing, a lien against property for expenses incurred by the health department shall continue in force. (§ 1278 N. Y. City Charter.)

**Twelve days** after payment, any moneys paid into the health department, on account of rents or other compensation due the owner of property, subject to a lien for expenses incurred by the said department, shall be retained before being paid to the city chamberlain. (§ 1280 N. Y. City Charter.)

#### Miscellaneous.

**Ten days** after its execution a building loan contract must be filed in the county clerk's office. (Lien Law, § 21.)

**Five days'** notice of trial of **mechanic's lien cases** must be given in the City Court of New York. (Rule 19, N. Y. City Court.)

**Ten days** after an assessment is entered in the record of the collector of assessments and arrears it becomes a lien upon the real property affected thereby. (§ 159 N. Y. City Charter.)

### LIFE TENANT.

*See* TENANT FOR LIFE.

### LIMITATIONS.

#### Actions by or Against Administrators, Etc.

**Three years** after the cause of action accrues an action against an executor, administrator, receiver or trustee of an insolvent debtor to recover a chattel or damages for injury to personal property, must be begun. (§ 383 Code Civ. Pro.)

**Eighteen months** after the issuing of letters upon the death of a person without the State, and the time which elapses between his death and the issuing of such letters is not a part of the time limited for the commencement of an action against his executor or administrator. (§ 391 Code Civ. Pro.)

**Six years** after the death of the testator or intestate letters are deemed to have been issued, for the purpose of computing the time for commencing an action by an administrator or executor to recover a chattel. (§ 392 Code Civ. Pro.)

**One year** after his death and after the expiration of the time limited for commencing an action, the action may be commenced by the representatives of one who died during the time he was entitled to maintain the action. (§ 402 Code Civ. Pro.)

**Eighteen months** after the death within the State of a person against whom a cause of action exists, or of a person who shall have died within **sixty days** after an attempt shall have been made to commence an action against him, is not a part of the time limited for the commencement of an action against his executor or administrator. If letters testamentary or letters of administration upon his estate are not issued within the State at least **six months** before the expiration of the time to bring the action as extended by the foregoing provision, the term of **one year after** such letters are issued, is not a part of the time limited for the commencement of such action. (§ 403 Code Civ. Pro.)

**Two years** after decedent's death an action to recover damages therefor must be begun. (§ 1902 Code Civ. Pro.)

**One year** after death of decedent is not a part of the time limited for commencing an action which decedent was entitled to bring. (§ 402 Code Civ. Pro.)

**Six months** after the rejection of a claim by an administrator or executor, if it is then due, or if not, **six months** after a part of it becomes due, an action thereupon must be commenced. (§ 1822 Code Civ. Pro.)

#### **Assault and Battery.**

**Two years** after the cause of action accrues, an action to recover damages for assault and battery, must be begun. (§ 384 Code Civ. Pro.)

#### **Chattels.**

**Six years** after the cause of action accrues an action to recover a chattel must be begun. (§ 382 Code Civ. Pro.)

#### **Claim Against State.**

**Two years** before private claim against the State is filed it must have accrued to give Court of Claims jurisdiction. (§ 264 Code Civ. Pro.)

**Constable.**

**Three years** after the cause of action accrues an action against a constable upon a liability incurred by him in doing an official act or by the omission of an official duty, except an escape, must be begun. (§ 383 Code Civ. Pro.)

**Contract.**

**Six years** after the cause of action accrues an action upon a contract other than a judgment or a sealed instrument, must be begun. (§ 382 Code Civ. Pro.)

**Coroner.**

**One year** after the cause of action accrues an action against a coroner upon a liability incurred by him in doing an official act or by the omission of an official duty, except the non-payment of money collected upon an execution, must be begun. (§ 385 Code Civ. Pro.)

**Criminal Actions.**

**Any time** after the death of the person killed a prosecution for murder may be commenced. (§ 141 Code Crim. Pro.)

**Five years** after the commission of a felony other than murder, or **two years** after the commission of a misdemeanor, is the limit of time within which an indictment therefor may be found; but time during which defendant is out of the state is not a part of such limitation. (§ 142 Code Crim. Pro.)

**Criminal Conversation.**

**Two years** after the cause of action accrues, an action to recover damages for criminal conversation must be begun. (§ 384 Code Civ. Pro.)

**Director or Stockholder.**

**Three years** after the cause of action accrues an action must be brought against a stockholder or director of a moneyed corporation or banking association to recover a penalty or forfeiture imposed, or to enforce a liability created by common law or by statute. (§ 394 Code Civ. Pro.)

### Disability of Claimant.

**Five years** may be added to the time limited for commencing an action other than for real property, or for a penalty or forfeiture, or against an officer for an escape, when the person entitled to maintain the action was at the time the right of action accrued, either:

1. Within the age of twenty-one years; or
2. Insane; or
3. Imprisoned on a criminal charge, or in execution upon conviction of a criminal offence, for a term less than for life; but in no case can the time be extended more than one year after the disability ceases. (§ 396 Code Civ. Pro.)

### Divorce.

**Five years** after the discovery of the offence charged an action for divorce must be begun. (§ 1758 Code Civ. Pro.)

### Dower.

**Twenty years** after the death of her husband an action for dower must be commenced by the widow; but if she is at the time of his death either:

1. Within the age of twenty-one years,
2. Insane, or
3. Imprisoned on a criminal charge for a term less than for life, the time of such disability is not a part of the time so limited. (§ 1596 Code Civ. Pro.)

### Escape.

**One year** after the cause of action accrues an action against an officer, other than a sheriff or a coroner, for the escape of a prisoner arrested or imprisoned by virtue of a civil mandate, must be begun. (§ 385 Code Civ. Pro.)

### Execution, Money Collected on.

**Three years** after the cause of action accrues an action against a sheriff, coroner or other officer for the non-payment of money collected upon an execution must be begun. (§ 383 Code Civ. Pro.)

### False Imprisonment.

**Two years** after the cause of action accrues, an action to recover damages for false imprisonment must be begun. (§ 384 Code Civ. Pro.)

### Forfeiture.

**Two years** after the cause of action accrues, an action upon a statute for a forfeiture to the people of the State must be begun. (§ 384 Code Civ. Pro.)

### Fraud.

**Six years** after the cause of action accrues an action to procure a judgment other than a sum of money on the ground of fraud must be begun. (§ 382 Code Civ. Pro.)

### Heirs.

**Three years** after the death of the decedent, if no letters have been granted within the State, an action against the heirs on the decedent's debts may be commenced. (§ 1844 Code Civ. Pro.)

**Three years** after letters have been granted such an action must be commenced. (§ 1844 Code Civ. Pro.)

### Injury to Person.

**Three years** after the cause of action accrues an action to recover damages for a personal injury resulting from negligence must be begun. (§ 383 Code Civ. Pro.)

**Six years** after accruing any other action for personal injury must be begun. (§ 382 Code Civ. Pro.)

### Injury to Property.

**Six years** after the cause of action accrues an action to recover damages for an injury to property must be begun. (§ 382 Code Civ. Pro.)



### Judgment.

**Twenty years** after a judgment or decree for a sum of money is rendered or docketed it is presumed to have been paid unless within that time a payment or a written acknowledgement of an indebtedness of the whole or part of the sum recovered has been made. (§ 376 Code Civ. Pro.)

**Six years** after the cause of action accrues an action upon a judgment or decree of a court not of record, except where a transcript has been filed, must be begun. (§ 382 Code Civ. Pro.)

**Ten years** after docketing, an action upon a judgment may be commenced. (§ 1913 Code Civ. Pro.)

### Liability Created By Statute.

**Six years** after the cause of action accrues an action to recover upon a liability created by statute, except a penalty or forfeiture, must be begun. (§ 382 Code Civ. Pro.)

### Libel.

**Two years** after the cause of action accrues, an action to recover damages for libel must be begun. (§ 384 Code Civ. Pro.)

### Malicious Prosecution.

**Two years** after the cause of action accrues, an action to recover damages for malicious prosecution must be begun. (§ 384 Code Civ. Pro.)

### Malpractice.

**Two years** after the cause of action accrues, an action to recover damages for malpractice must be begun. (§ 384 Code Civ. Pro.)

### Marriage, Action to Annul.

**Five years** after marriage an action to annul the same on the ground of physical incapacity must be begun. (§ 1752 Code Civ. Pro.)

### Mortgage.

**Twenty years** after the breach of a condition of a mortgage an action to redeem can be brought against one in adverse possession of the mortgaged premises. (§ 379 Code Civ. Pro.)

### New York City.

**Four months** after a decision is rendered removing an officer of the police department of New York city, a proceeding for reinstatement must be instituted. (§ 302 N. Y. City Charter.)

**Two years** after the cause of action accrues, an action by an officer of the police department of New York city to recover for compensation or pay due or withheld must be commenced. (§ 302 N. Y. City Charter.)

**Six months** after the cause of action accrues, an action against the city on account of any act of the board of health must be commenced. (§ 1196 N. Y. City Charter.)

**Six months** after the cause of action accrues, an action against the city on account of any act of the tenement house department must be commenced. (§ 1344d N. Y. City Charter.)

### Penalty.

**Three years** after the cause of action accrues an action upon a statute for a penalty or forfeiture, where the action is given to the person aggrieved, or to that person and the people of the State, may be begun. (§ 383 Code Civ. Pro.)

**One year** after the commission of the offence an action upon a statute for a penalty or a forfeiture given wholly or partly to any person who will prosecute for the same, must be begun; if not so begun, within **two years** thereafter, it may be commenced in behalf of the people by the attorney-general or district attorney. (§ 387 Code Civ. Pro.)

**Two years** after the cause of action accrues an action upon a statute for a penalty to the people of the State, must be begun. (§ 384 Code Civ. Pro.)

### Public Funds.

**Ten years** after the cause of action accrues, an action by the people of the State to recover for the misappropriation of public funds, etc., must be begun. (§ 1973 Code Civ. Pro.)

### Real Property.

**Forty years** from the time the cause of action accrued or from the receipt by the people of the rents and profits of the real property an action may be commenced by the people of the State or their grantee, to recover real property. (§§ 362, 363 Code Civ. Pro.)

**Twenty years** after the determination of a competent court declaring void a grant of real property made by the people of the State, an action of ejectment may be commenced to recover the premises in question, either by the people or by their subsequent grantee of the same premises. (§ 364 Code Civ. Pro.).

**Twenty years** before the commission of an act with respect to which a defence or counterclaim founded upon the title to real property is made, the person making it, or his ancestor or grantor, must have been seized or possessed of the premises in question in order that such defence or counterclaim be effectual. (§ 366 Code Civ. Pro.)

**One year** after the making of an entry upon real property an action for the possession thereof may be begun. (§ 367 Code Civ. Pro.)

**Twenty years** after a right of entry upon real property accrues an action for the possession thereof may be begun. (§ 367 Code Civ. Pro.)

**Twenty years'** actual, continued occupation of real property under a claim of title is deemed adverse possession unless an action has been commenced within that period. (§§ 368, 369, 370, 371, 372 Code Civ. Pro.)

**Ten years** after the disability ceases, or after the death of a person who, when he was entitled to commence an action to recover, or to make an entry upon, or to interpose a defence

or counterclaim founded on the title to real property, was disabled by being:

1. Within the age of twenty-one years; or,
2. Insane; or,
3. Imprisoned for a term less than for life; the time to commence such an action may be extended. (§ 375 Code Civ. Pro.)

**One year** after the erection, in a city, of the wall of a building, which encroaches not to exceed six inches upon an adjoining lot, an action to recover the land so encroached upon must be begun (§ 1499 Code Civ. Pro.), and

**One year** after such period of time has elapsed, an action to recover damages for the encroachment must be begun. (§ 1499 Code Civ. Pro.)

#### **Sealed Instrument.**

**Twenty years** after the cause of action has accrued an action may be brought upon a sealed instrument. (§ 381 Code Civ. Pro.)

#### **Seduction.**

**Two years** after the cause of action accrues, an action to recover damages for seduction must be begun. (§ 384 Code Civ. Pro.)

#### **Sheriff.**

**One year** after the cause of action accrues an action against a sheriff upon a liability incurred by him in doing an official act or by the omission of an official duty, except the non-payment of money collected upon an execution, must be begun. (§ 385 Code Civ. Pro.)

#### **Slander.**

**Two years** after the cause of action accrues, an action to recover damages for slander must be begun. (§ 384 Code Civ. Pro.)

### **Wages.**

**One month** after his cause of action accrues a wage earner must bring an action in the Municipal Court of New York to recover for his services, in order to be entitled to an execution against exempt property and against the person. (§ 274 Mun. Ct. Act.)

### **Will.**

**Six years** after the cause of action accrues, an action to establish a will may be begun. (§ 382 Code Civ. Pro.)

### **General Provisions.**

**Ten years** after the cause of action accrues is the limit of time within which an action, the limitation of which is not specially prescribed, may be begun. (§ 388 Code Civ. Pro.)

**One year's** absence, or more, from the State, or one year's residence, or more, within the State under a false name, by a person against whom a cause of action accrued before such absence, or of such residence under a false name, is not deemed a part of the time limited for commencing the action. (§ 401 Code Civ. Pro.)

**Sixty days** from the delivery of a summons to an officer for service is the limit of time within which such summons may be served or published, where the time limited for commencing the action has expired since such delivery. (§ 399 Code Civ. Pro.)

### **LIS PENDENS.**

**Twenty days** before final judgment, plaintiff must file *lis pendens*. (§ 1631 Code Civ. Pro.)

**Sixty days** after filing the *lis pendens* the summons must be served or the publication thereof commenced. (§ 1670 Code Civ. Pro.)

### **LIST.**

*See* JURY LIST.

### **MAGISTRATE.**

*See* CRIMINAL ACTION; EXAMINATION.

### MALICIOUS PROSECUTION.

**Two years** after the cause of action accrues, an action to recover damages for malicious prosecution must be begun. (§ 384 Code Civ. Pro.)

### MALPRACTICE.

**Two years** after the cause of action accrues, an action to recover damages for malpractice must be begun. (§ 384 Code Civ. Pro.)

### MANDAMUS.

**Eight days'** notice of an application for a writ of peremptory mandamus must be given. (§ 2070 Code Civ. Pro.)

**Twenty days** after service an **alternative** writ must be made returnable. (§ 2072 Code Civ. Pro.)

**Twenty days** after the service of a notice of filing a return to an **alternative** writ, a demurrer can be served by the people or relator. (§ 2081 Code Civ. Pro.)

### MARINE CAUSES.

**One day** after his arrest, or immediately if the court is in session, the defendant must be brought into court. (§ 3178 Code Civ. Pro.)

**One day or the next legal day** after the receipt by the sheriff of a deposit in lieu of bail he must pay it into court. (§ 3181 Code Civ. Pro.)

**One day** after arrest, or immediately if the court is in session, the sheriff must make his return. (§ 3184 Code Civ. Pro.)

**One hour** after the return or the opening of the court, the court must wait. (§ 3185 Code Civ. Pro.)

**Six days** after the joinder of issue the case must be appointed for trial, unless both parties assent to a longer time, or a trial by jury being demanded there is no term of the court to be held within six days. (§ 3186 Code Civ. Pro.)

**Three months** from the joinder of issue the trial may be adjourned, and no longer, without the consent of both parties. (§ 3186 Code Civ. Pro.)

**MARRIAGE.****Action to Annul.**

**Five years** after marriage an action to annul the same on the ground of physical incapacity must be begun. (§ 1752 Code Civ. Pro.)

**Three months** after the filing of the decision of the court or report of the referee, final judgment may be entered. (§ 1774 Code Civ. Pro.)

**MARSHAL.**

**Thirty days** after his appointment, each marshal of the Municipal Court of New York shall file his official bond. (§ 301 Mun. Ct. Act.)

**Five days** after the bond of a marshal of the Municipal Court of New York is presented to the city clerk he shall approve or reject the same. (§ 294 Mun. Ct. Act.)

**Ten days** after a marshal of the Municipal Court of New York is notified so to do, he must renew his official bond. (§ 300 Mun. Ct. Act.)

**Eight days'** notice of motion for leave to prosecute the official bond of a marshal of the Municipal Court of New York must be given to the marshal and his sureties. (§ 295 Mun. Ct. Act.)

**Twenty days** after an execution of the Municipal Court of New York is issued, a marshal who fails to return the same, or to levy upon property, or to arrest a defendant and commit him to jail, is liable to the party in whose favor the execution was issued for the amount thereof. (§ 276 Mun. Ct. Act.)

**Three months** after a marshal of the Municipal Court of New York has delivered to the plaintiff property replevied by him, an action against the marshal by a third party who has duly claimed the property must be begun by the issuing of the summons (§ 114 Mun. Ct. Act), **and**

**Three months** after such summons is issued, it must be served. (§ 114 Mun. Ct. Act.)



**MECHANIC'S LIEN.**

*See* LIEN.

**MINUTES.**

**Ten days** after a judgment of death has been pronounced, the stenographer shall furnish to the defendant's attorney, at his request, a copy of the minutes of the trial. (§ 456 Code Crim. Pro.)

**MONEY.**

**Four days** after the receipt thereof, by any officer, he must pay it to the county treasurer (§ 745 Code Civ. Pro.), **but**

**Two days** after such receipt, in New York city, it must be paid to the chamberlain. (§ 745 Code Civ. Pro.)

**Twenty years** after receipt the county treasurer or chamberlain must pay it to the State treasurer. (§ 753 Code Civ. Pro.)

**MORTGAGE.****Limitation of Action.**

**Twenty years** after the breach of a condition of a mortgage an action to redeem can be brought against one in adverse possession of the mortgaged premises. (§ 379 Code Civ. Pro.)

**Corporation Mortgage.**

**Thirty days** after the mortgage debt of the corporation or the interest thereupon was payable and has remained unpaid an action can be brought for the foreclosure of the mortgage. (§ 1810 Code Civ. Pro.)

**On Property Sold For Taxes.**

**Two years** after the sale of lands for taxes, the mortgagee thereof may redeem the same. (§ 1040 N. Y. City Charter.)

**Sixty days** before the time to redeem property sold for taxes expires, the collector shall notify all mortgagees and other persons who have within **one month** theretofore filed with the comptroller a memorandum of the mortgage, etc. (§ 1036 N. Y. City Charter.)

### Foreclosure by Action.

**Twenty days** before final judgment, plaintiff must file *lis pendens*. (§ 1631 Code Civ. Pro.)

**Sixty days** after filing the *lis pendens* the summons must be served or the publication thereof commenced. (§ 1670 Code Civ. Pro.)

**Three months** after surplus is paid into court it may be invested, if unclaimed, by order of the court. (§ 1633 Code Civ. Pro.)

**Five days** after the proceeds of a sale are received surplus moneys must be paid to the county treasurer or chamberlain of New York city. (Rule 61, General Rules.)

**Two days'** notice of an application to stay the sale must be given to the plaintiff's attorney. (Rule 67, General Rules.)

### Foreclosure by Advertisement.

**Twelve weeks** in succession, once a week, immediately preceding the sale, the notice must be published. (§ 2388 Code Civ. Pro.)

**Eighty-four days** before the sale the notice must be posted. (§ 2388 Code Civ. Pro.)

**Eighty-four days** before the sale a copy of the notice must be delivered to the clerk of each county wherein any part of the property is situated. (§ 2388 Code Civ. Pro.)

**Fourteen days** before the sale a copy of the notice must be served upon the mortgagor, his wife, widow, executor or grantee. (§ 2389 Code Civ. Pro.)

**Twenty-eight days'** similar service is required if any of the last named persons are without the State. (§ 2389 Code Civ. Pro.)

**Fourteen days** before the sale a copy of the notice must be served personally on any other person (§ 2389 Code Civ. Pro.), but

**Twenty-eight days'** service on such person by mail is required. (§ 2389 Code Civ. Pro.)

**Once a week** until the time of the sale notice of postponement must be published. (§ 2392 Code Civ. Pro.)

**Ten days** after the receipt of any money from the sale the surplus must be paid into court. (§ 2404 Code Civ. Pro.)

**Twenty days** after the sale any party entitled to a part of the surplus may petition the court therefor. (§ 2406 Code Civ. Pro.)

**Eight days'** notice of such application must be given to other petitioners and to each person served with a notice of sale. (§ 2406 Code Civ. Pro.)

### MOTION.

#### Notice of, Generally.

**Eight days'** notice is required (§ 780 Code Civ. Pro.; Rule 37, General Rules), but

**Five days'** notice only is required where the attorneys for the respective parties reside or have their offices in the same city or village. (Rule 37, General Rules.)

**Four days'** notice of motions in City Court of New York must be given. (§ 3161 Code Civ. Pro.)

**Three days'** notice of motion is required in the Municipal Court of New York. (Rule 14, N. Y. Municipal Court.)

#### Papers on Motion.

**Two days** before the hearing of a motion a note of issue therefor must be filed. (Special Rules, First Department.)

**Five days** before the time for argument a copy of the papers to be used shall be served. (Rule 40, General Rules.)

**One days'** notice must be given of an application for the appointment of a referee to take depositions to be used on a motion. (§ 885 Code Civ. Pro.)

#### Motions in Respect to Pleadings.

**Twenty days** after the service of the pleading a motion to strike out irrelevant matter therein must be made. (Rule 22, General Rules.)

**Two days'** notice of an application for an extension of time to make such motion must be given. (Rule 22, General Rules.)

**Two days'** notice of application for an extension of time in which to serve a pleading must be given where the time has been extended for **twenty days**. (Rule 24, General Rules.)

### **Motions in Respect to Calendar.**

**Four days'** notice of a motion that the cause be struck from the calendar is required where the papers have not been served as required. (Rule 40, General Rules.)

**Two days'** notice of motion to correct the general calendar of New York Special Term must be given. (Special Rules, First Department.)

**Two days'** notice of motion to place a cause on the Friday, the preferred or the special calendar, must be given. (Special Rules, First Department.)

**Four days'** notice of motion to place a cause on the **special calendar** of the City Court of New York must be given. (Rule 2, N. Y. City Court.)

**Two days'** notice of motion to put case marked down as reserved generally upon day calendar must be given in the City Court of New York. (Rule 17, N. Y. City Court.)

**Two days'** notice of motion to set down for trial an action in which a new trial is ordered must be given in the City Court of New York. (Rule 17, N. Y. City Court.)

### **Motion for Trial by Jury.**

**Ten days** after the joinder of issue in a case where a jury is not provided for by the Code either party may give notice of a special motion that the issue be tried by jury. (Rule 31, General Rules.)

### **Motion to Dismiss an Appeal.**

**Three days'** notice of a motion to dismiss the appeal must be given where papers have not been served as required. (Rule 41, General Rules.)

**Four days'** notice of motion for the dismissal of an appeal from an order because of the failure of the adverse party to file the requisite papers must be given in the Appellate Division, First Department. (Rule 4, App. Div. 1st Dept.)

**Four days'** notice of motion for the dismissal of an enumerated appeal because of the failure of the adverse party to file the requisite papers must be given in the Appellate Division, First Department. (Rule 5, App. Div. 1st Dept.)

**Five days'** notice of motion to dismiss an appeal to Appellate Term must be given. (Special Rules, First Department.)

### Adjournment.

**One week** from the return day a motion may be adjourned by consent. (Rule 2, N. Y. Surrogates' Court.)

### Motion to Discharge Attachment.

**Two days'** notice of a motion by some or any of the defendants to discharge an attachment must be given. (§ 689 Code Civ. Pro.)

### Motion to Compel Return.

**Five days'** notice of motion to compel a return by attachment must be given. (Special Rules, First Department.)

## MUNICIPAL COURT OF NEW YORK.

### Summons.

**Six days** before the return day of the summons, an order for the service thereof must be filed and the summons must be served. (§ 34 Mun. Ct. Act.)

**Six months** after personal service of written notice thereof, a defendant served with the summons by order, can defend upon terms (§ 35 Mun. Ct. Act), or

**Two years** after the entry of judgment he may so defend, if such notice has not been served. (§ 35 Mun. Ct. Act.)

**Twelve days** at most, after the date thereof, a summons must be made returnable. (§ 37 Mun. Ct. Act.)

**Six days** before the return day thereof, a summons must be served. (§ 37 Mun. Ct. Act.)

**One day** before the return day of the summons, the same must be returned and the trial fee paid to entitle the cause to a place on the calendar. (Rule 4, N. Y. Municipal Court.)

### **Arrest.**

**Forty-eight hours** and no longer a defendant may be imprisoned under an order of arrest unless within that time the trial of the action be commenced. (§ 66 Mun. Ct. Act.)

**Two days'** notice of an application for discharge from arrest must be given to the plaintiff except upon his appearance before the court. (§ 68 Mun. Ct. Act.)

### **Attachment.**

**Six months** continuous absence from the United States is a ground for the issuing of a warrant of attachment. (§ 74 Mun. Ct. Act.)

**Six days** before the return day of the summons, a warrant of attachment must be executed by the marshal, and must be served together with the summons. (§§ 75, 77, 83 Mun. Ct. Act.)

**Six months'** undertaking to return property must be given by the defendant to release attachment. (§ 84 Mun. Ct. Act.)

**Three months'** undertaking must be given by a person not a party to the action who claims ownership in property attached. (§ 85 Mun. Ct. Act.)

**Twenty-four hours'** notice must be given of an application to vacate or modify a warrant of attachment. (§ 89 Mun. Ct. Act.)

**Two days'** notice of justification of sureties on an undertaking given to discharge an attachment must be given. (Rule 16, N. Y. Municipal Court.)

### **Replevin.**

**Six days** before the return day of the summons the marshal must execute a writ of replevin. (§ 101 Mun. Ct. Act.)

**Two days** before the return day of the summons the defendant may except to the plaintiff's sureties in an action in replevin. (§ 106 Mun. Ct. Act.)

**One day** only, except by consent, may the examination of sureties on a bond in replevin be adjourned. (§ 109 Mun. Ct. Act.)

**Three months** after a marshal has delivered to the plaintiff property replevied by him, an action against the marshal by a third party who has duly claimed the property must be begun by the issuing of the summons (§ 114 Mun. Ct. Act), **and**

**Three months** after such summons is issued, it must be served. (§ 114 Mun. Ct. Act.)

#### **Pleadings.**

**Eight days** additional time to plead may be granted by a justice when a demurrer has been interposed and disallowed. (§ 145 Mun. Ct. Act.)

**Twenty days** after an answer of title has been interposed and an undertaking given the plaintiff may file a new summons and complaint out of the Supreme Court (§ 180 Mun. Ct. Act), **and**

**Twenty days** thereafter the defendant must admit service thereof. (§ 180 Mun. Ct. Act.)

**Three days** after the same is ordered, a bill of particulars must be filed. (Rule 6, N. Y. Municipal Court.)

#### **Stay.**

**Five days'** stay of execution or of proceedings may be granted by a justice. (§ 1 Mun. Ct. Act.)

#### **Notice of Motion.**

**Three days'** notice of motion is required. (Rule 14, N. Y. Municipal Court.)

#### **Adjournment.**

**Eight days** at a time, except by consent, the trial of an action may be adjourned (§ 193 Mun. Ct. Act), **but**



**Ninety days'** adjournment may be had by giving an undertaking. (§ 194 Mun. Ct. Act.)

**Forty-eight hours** only, the trial of an action may be adjourned while the defendant is actually in custody under an order of arrest. (§ 193 Mun. Ct. Act.)

### Commission.

**Three days'** notice of the application for the appointment of a commission to take testimony must be given. (§ 207 Mun. Ct. Act.)

**Two days** before the time fixed for taking a deposition the order and affidavit must be served upon each party to the action. (§ 221 Mun. Ct. Act.)

**Three days** after a deposition is taken it must be filed with the clerk. (§ 224 Mun. Ct. Act.)

### Trial.

**Fourteen days** after an issue of fact is submitted to a justice he must render judgment. (§ 230 Mun. Ct. Act.)

**Fourteen days** after an issue of fact is submitted to a justice he may order a trial by jury (§ 232 Mun. Ct. Act.), and

**Eight days** thereafter such trial must be had. (§ 232 Mun. Ct. Act.)

**Once a year** the commissioner of jurors shall furnish each district with a jury list. (§ 233 Mun. Ct. Act.)

**Ten days** after a fine is imposed upon a juror for non-attendance, the clerk of the court shall notify the commissioner of jurors thereof. (§ 233 Mun. Ct. Act.)

### Contempt of Court.

**Thirty days'** imprisonment for contempt of court may be imposed by a justice. (§ 5 Mun. Ct. Act.)

### Judgment.

**Five days** after judgment is rendered a motion to set aside, vacate or amend the same may be made (§ 254 Mun. Ct. Act.), and

**Two days'** notice of such motion must be given. (§ 254 Mun. Ct. Act.)

### **Execution.**

**Six years** after the entry of a judgment an execution may be issued. (§ 260 Mun. Ct. Act.)

**Twenty years** after a judgment, docketed in the office of the county clerk, could first be enforced by execution, the same is presumed to have been satisfied, unless a payment has in the meantime been made thereon. (§ 262 Mun. Ct. Act.)

**Ten years** after the entry of a judgment, which is docketed in the office of the county clerk, the same is a charge upon real property. (§ 263 Mun. Ct. Act.)

**Twenty days** after the receipt thereof, a marshal shall return an execution. (§ 271 Mun. Ct. Act.)

**One month** after his cause of action accrues a wage earner must bring an action to recover for his services, in order to be entitled to an execution against exempt property and against the person. (§ 274 Mun. Ct. Act.)

**Fifteen days** after a defendant is confined in jail under an execution against the person upon a judgment for wages, he must be discharged. (§ 274 Mun. Ct. Act.)

**Twenty days** after an execution is issued or renewed, a defendant cannot be arrested nor his property levied upon. (§ 275 Mun. Ct. Act.)

**Twenty days** after an execution is issued, a marshal who fails to return the same, or to levy upon property, or to arrest a defendant and commit him to jail, is liable to the party in whose favor the execution was issued for the amount thereof. (§ 276 Mun. Ct. Act.)

### **Costs.**

**Five days** after the entry of judgment the taxation of costs may be reviewed (§ 342 Mun. Ct. Act.), and

**Two days'** notice of such review must be given. (§ 342 Mun. Ct. Act.)

### Appeals.

**Twenty days** after the entry of judgment or after written notice thereof is served, an appeal must be taken. (§ 311 Mun. Ct. Act.)

**Five days** after the service of the undertaking on an appeal, the respondent may except to the sureties (§ 315 Mun. Ct. Act), and

**Five days** thereafter the sureties must justify (§ 315 Mun. Ct. Act), and

**Three days'** notice of the justification must be given. (§ 315 Mun. Ct. Act.)

**Thirty days** after service of notice of appeal, the clerk shall make a return to the appellate court (§ 317 Mun. Ct. Act), and

**Ten days** after the stenographer's fees are paid, he shall furnish the clerk with the minutes. (§ 317 Mun. Ct. Act.)

**Three days'** notice of settlement of the case on appeal shall be given (§ 318 Mun. Ct. Act), and

**Five days** thereafter the justice shall settle the same. (§ 318 Mun. Ct. Act.)

**Eight days** before the term, the return from the court below must be filed with the clerk. (Special Rules, First Department.)

**Five days'** notice of motion to compel a return by attachment must be given. (Special Rules, First Department.)

**Three days** before the day for hearing appeals from the Municipal Court of New York in the Appellate Division, Second Department, a note of issue or the return of the justice must be filed. (Rules, App. Div. 2d Dept.)

**Eight days'** notice of hearing of an appeal must be given in the appellate court. (§ 325 Mun. Ct. Act.)

**Eight days'** notice of argument must be given. (Special Rules, First Department.)

**Eight days'** notice of argument must be given, in the Appellate Division, Second Department, of an appeal from a judgment of the Municipal Court of New York. (Rules, App. Div. 2d Dept.)

**Three months** after the death of either party to an appeal, the appellate court may make an order requiring all persons interested to show cause on a certain day why said appeal should not be dismissed or the judgment reversed, as the case may be (§ 321 Mun. Ct. Act), **and**

**Six months** after making such order, cause must be shown. (§ 321 Mun. Ct. Act.)

**Five days'** notice of motion to dismiss an appeal must be given. (Special Rules, First Department.)

**Two days'** notice must be given, in the Appellate Term of New York, of the settlement of proposed orders. (Special Rules, First Department.)

**Twenty days** after service of notice of appeal the respondent may serve a written stipulation for reversal. (§ 325 Mun. Ct. Act.)

**Six days'** notice of an application for an order for restitution must be given, after the decision of an appeal. (§ 323 Mun. Ct. Act.)

**Five days** before the term at which such appeals are heard the clerk shall publish the calendar in the Law Journal. (Special Rules, First Department.)

### **Marshals.**

**Thirty days** after his appointment, each marshal shall file his official bond. (§ 301 Mun. Ct. Act.)

**Five days** after the bond of a marshal is presented to the city clerk he shall approve or reject the same. (§ 294 Mun. Ct. Act.)

**Ten days** after a marshal is notified so to do, he must renew his official bond. (§ 300 Mun. Ct. Act.)

**Eight days'** notice of motion for leave to prosecute the official bond of a marshal must be given to the marshal and his sureties. (§ 295 Mun. Ct. Act.)

### **Fees.**

**Three days** after the first day of each month the clerk of each district shall pay to the county treasurer all fees received by him. (§ 283 Mun. Ct. Act.)

### **NAME.**

#### **Proceedings to Change.**

**Eight days'** notice of a petition to change the name of an infant must be given the father, mother or general guardian. (§ 2413 Code Civ. Pro.)

**Six weeks** in succession, once a week, notice of a petition to change the name of a **corporation** must be published. (§ 2413 Code Civ. Pro.)

**Thirty days** after the entry of an order to that effect the petitioner can assume the name proposed. (§ 2414 Code Civ. Pro.)

**Ten days** after the granting of the order it shall be filed in the clerk's office. (§ 2414 Code Civ. Pro.)

**Ten days** after the granting of the order in the case of a **corporation**, it shall also be filed with the secretary of State of other State officer. (§ 2414 Code Civ. Pro.)

**Ten days** after the order is granted it must be published **once**, in the case of an **individual**, and **once a week** for **four** successive weeks in the case of a **corporation**. (§ 2414 Code Civ. Pro.)

**Forty days** after the making of the order an affidavit of the publication thereof must be filed. (§ 2415 Code Civ. Pro.)

**Once a year** each clerk must report to the secretary of State all changes of names filed in his office. (§ 2417 Code Civ. Pro.)

**NATURALIZATION.**

**Fourteen days** before the hearing thereof, an application to be admitted to citizenship must be filed in the First Judicial District. (Special Rules, First Department.)

**NEGLIGENCE.**

*See* INJURIES.

**NOTE OF ISSUE.**

**Twelve days** before the term the note of issue must be filed with the clerk. (§ 977 Code Civ. Pro.)

**For Appellate Divisions.**

**Eight days** before the commencement of the court notes of issue must be filed. (Rule 39, General Rules.)

**Eight days** before the day for the argument of an appeal from an order, a note of issue must be filed with the clerk of the Appellate Division, First Department. (Rule 4, App. Div. 1st Dept.)

**Eight days** before the commencement of the term, a note of issue for an enumerated case must be filed with the clerk of the Appellate Division, First Department. (Rule 5, App. Div. 1st Dept.)

**Eight days** before the making up of the non-enumerated calendar, notes of issue for appeals from orders must be filed. (Rule 7, App. Div. 2d Dept.)

**Two days** before the day for which motions, other than appeals from orders, are noticed, notes of issue therefor must be filed with the clerk. (Rule 6, App. Div. 2d Dept.)

**Five days** before a criminal case is to be heard a note of issue must be filed. (Rule 9, App. Div. 2d Dept.)

**Three days** before the day for hearing appeals from the Municipal Court of New York, in the Appellate Division, Second Department, a note of issue or the return of the justice must be filed. (Rules, App. Div. 2d Dept.)

**Five days** before a criminal case is to be heard, in the Appellate Division, Third Department, a note of issue must be filed. (Rule 4, App. Div. 3d Dept.)

**Eight days** before the making up of the non-enumerated calendar, notes of issue for appeals from orders must be filed, in the Appellate Division, Fourth Department. (Rule 1, App. Div. 4th Dept.)

**Five days** before a criminal case is to be heard a note of issue must be filed in the Appellate Division, Fourth Department. (Rule 4, App. Div. 4th Dept.)

### **New York Special Term.**

**Two days** before the hearing of a motion a note of issue therefor must be filed. (Special Rules, First Department.)

### **Court of Claims.**

**Twenty days** before a session of the Court of Claims a note of issue must be filed with the clerk. (Rule 10, Court of Claims.)

### **City Court of New York.**

**Two days** before the term a note of issue must be filed. (§ 3162 Code Civ. Pro.)

### **NOTICE.**

#### **Of Trial.**

**Fourteen days** before the term notice of trial must be served personally. (§ 977 Code Civ. Pro.)

**Sixteen days** before the term notice of trial must be served by mail. (§ 798 Code Civ. Pro.)

#### **Of Motion or Argument.**

**Eight days'** notice of motion or argument is required (§ 780 Code Civ. Pro.; Rule 37, General Rules), **but**

**Five days'** notice only is required where both attorneys reside in the same city or village (Rule 37, General Rules), **and**

**Five days'** notice only is required in the City Court of New York. (§ 3161 Code Civ. Pro.)



### **In Appellate Divisions.**

**Four days'** notice of a motion that the cause be struck from the calendar is required where the papers have not been served as required. (Rule 40, General Rules.)

**Three days'** notice of a motion to dismiss the appeal must be given where papers have not been served as required. (Rule 41, General Rules.)

**Eight days'** notice of argument of an appeal from an order must be given in the Appellate Division, First Department. (Rule 4, App. Div. 1st Dept.)

**Four days'** notice of motion for the dismissal of an appeal from an order because of the failure of the adverse party to file the requisite papers must be given in the Appellate Division, First Department. (Rule 4, App. Div. 1st Dept.)

**Eight days'** notice of argument of an enumerated case must be given in the Appellate Division, First Department. (Rule 5, App. Div. 1st Dept.)

**Four days'** notice of motion for the dismissal of an enumerated appeal because of the failure of the adverse party to file the requisite papers must be given in the Appellate Division, First Department. (Rule 5, App. Div. 1st Dept.)

**Four days'** notice must be given, in the Appellate Division, Second Department, before bringing to argument an appeal once passed. (Rule 2, App. Div. 2d Dept.)

**Ten days'** notice of argument must be given, in the Appellate Division, Second Department, of a criminal appeal not regularly placed on the calendar. (Rule 9, App. Div. 2d Dept.)

**Eight days'** notice of argument must be given, in the Appellate Division, Second Department, of an appeal from a judgment of the Municipal Court of New York. (Rules, App. Div. 2d Dept.)

**Ten days'** notice of argument must be given, in the Appellate Division, Third Department, of a criminal appeal not regularly placed on the calendar. (Rule 4, App. Div. 3d Dept.)

**Ten days'** notice of argument must be given, in the Appellate Division, Fourth Department, of a criminal appeal not regularly placed on the calendar. (Rule 4, App. Div. 4th Dept.)

#### **In Court of Claims.**

**Ten days'** notice to dismiss a claim or counterclaim must be given. (Rule 9, Court of Claims.)

**Twenty days'** notice of the hearing of a claim must be given the attorney-general. (Rule 10, Court of Claims.)

#### **In Appellate Term, New York.**

**Eight days'** notice of argument must be given. (Special Rules, First Department.)

**Five days'** notice of motion to dismiss an appeal must be given. (Special Rules, First Department.)

**Five days'** notice of motion to compel a return by attachment must be given. (Special Rules, First Department.)

**Two days'** notice must be given, in the Appellate Term of New York, of the settlement of proposed orders. (Special Rules, First Department.)

#### **In City Court of New York.**

**Two days'** notice of taxation of costs must be given in the City Court of New York (§ 3161 Code Civ. Pro.), but

**One day's** notice is sufficient if all the persons have their offices in the city of New York. (§ 3161 Code Civ. Pro.)

**Four days'** notice of motion must be given. (§ 3161 Code Civ. Pro.)

**Five days'** notice of trial, or of the hearing of an appeal, must be given. (§ 3161 Code Civ. Pro.)

**Five days'** notice of trial of **mechanic's lien cases** must be given in the City Court of New York. (Rule 19, N. Y. City Court.)

**Four days'** notice of motion to place a cause on the **special calendar** of the City Court of New York must be given. (Rule 2, N. Y. City Court.)

**Two days'** notice of motion to put case marked down as reserved generally upon day calendar must be given in the City Court of New York. (Rule 17, N. Y. City Court.)

**Two days'** notice of motion to set down for trial an action in which a new trial is ordered must be given in the City Court of New York. (Rule 17, N. Y. City Court.)

#### **In Municipal Court of New York.**

**Three days'** notice of motion is required in the Municipal Court of New York. (Rule 14, N. Y. Municipal Court.)

#### **Abandonment Proceedings.**

**Ten days'** notice of the argument of an appeal in an abandonment proceeding must be given by either party. (§ 689 N. Y. City Charter.)

#### **Assignment.**

**Ten days'** notice of the sale of **personal** property must be given. (Special Rules, First Department.)

**Twenty days'** notice of the sale of **real** property must be given. (Special Rules, First Department.)

#### **Attachment.**

**Two days'** notice of a motion by some or any of the defendants to discharge an attachment must be given. (§ 689 Code Civ. Pro.)

#### **Calendar Motions.**

**Two days'** notice of motion to correct the general calendar of New York Special Term must be given. (Special Rules, First Department.)

**Two days'** notice of motion to place a cause on the Friday, the preferred or the special calendar, must be given. (Special Rules, First Department.)

#### **Foreclosure.**

**Two days'** notice of an application to stay the sale must be given to the plaintiff's attorney. (Rule 67, General Rules.)

### **Jury Trial.**

**Ten days** after the joinder of issue in a case where a jury is not provided for by the Code either party may give notice of a special motion that the issue be tried by jury. (Rule 31, General Rules.)

### **Pleadings.**

**Twenty days** after the service of the pleading a motion to strike out irrelevant matter therein must be made. (Rule 22, General Rules.)

**Two days'** notice of an application for an extension of time to make such motion must be given. (Rule 22, General Rules.)

**Two days'** notice of application for an extension of time in which to serve a pleading must be given where the time has been extended for **twenty days**. (Rule 24, General Rules.)

### **Receiver's Sale.**

**Ten days'** notice of the time and place of a sale of the debts and other doubtful claims of the debtor must be publicly given by the receiver. (Rule 77, General Rules.)

### **Special Jury.**

**Two days'** notice of an application for a special jury in Kings county must be given the adverse party. (Laws 1902, ch. 564, § 11.)

## **NOTICE OF PROTEST.**

**Ten days** after joinder of issue an affidavit must be served to the effect that notice of non-payment has not been received or the notary's certificate will be considered presumptive evidence. (§ 923 Code Civ. Pro.)

## **NUISANCE.**

**Three days** after service of an order of the board of health declaring the existence of a public nuisance, the party served must apply for a modification of the order. (§ 1176 N. Y. City Charter.)

**Five days** after service of an order of the board of health to abate a nuisance, the same must be abated. (§ 1176 N. Y. City Charter.)

**Six months** after the cause of action accrues, an action against the city on account of any act of the board of health must be commenced. (§ 1196 N. Y. City Charter.)

#### **Abatement by Action.**

**Five days** after service of the answer the defendant may demand a trial by jury on any question of fact. (§ 1289 N. Y. City Charter.)

**Five days'** notice of a motion to remove the lien of a judgment recovered therein is required. (§ 1291 N. Y. City Charter.)

**Four days'** notice of a motion to stay the execution on appeal is required. (§ 1292 N. Y. City Charter.)

**Thirty days** after judgment an appeal by either party may be taken. (§ 1292 N. Y. City Charter.)

**Thirty days'** stay of execution may be granted by the court without requiring an undertaking. (§ 1292 N. Y. City Charter.)

**Ten days** after a statement of the expenses of execution is filed it becomes final. (§ 1295 N. Y. City Charter.)

**Five days'** notice of an application for an injunction directed to the board of health is required. (§ 1260 N. Y. City Charter.)

#### **OATH.**

**Five days** after notice of election or appointment, every city official shall take the oath of office. (§ 1548 N. Y. City Charter.)

#### **OFFER.**

*See* TENDER.

#### **OFFER OF JUDGMENT.**

**Ten days** after the receipt of an offer of judgment, by the plaintiff or defendant, the same may be accepted and judgment entered accordingly. (§§ 738, 739 Code Civ. Pro.)

**OFFICER.**

**Ten days** after service of an order to that effect an officer must make a return required by law or show cause why an attachment should not issue against him. (Rule 6, General Rules.)

**Five days** after notice of election or appointment, every city official shall take the oath of office. (§ 1548 N. Y. City Charter.)

**Forty-eight hours** before the term set for an examination of any city official under charges of misconduct, etc., the order for his examination must be personally served upon him. (§ 1534 N. Y. City Charter.)

**One day's** notice must be given of an application for an order for the inspection of the books, records, papers, etc., of any city department or official. (§ 1545 N. Y. City Charter.)

**Four months** after a decision is rendered removing an officer of the police department of New York city, a proceeding for reinstatement must be instituted. (§ 302 N. Y. City Charter.)

**Two years** after the cause of action accrues, an action by an officer of the police department of New York city to recover for compensation or pay due or withheld must be commenced. (§ 302 N. Y. City Charter.)

**ORDER.**

**Ten days** after delivery to an attorney of a copy of an order required to be filed in another county he must so file it or the order may be set aside. (Rule 3, General Rules.)

**Ten days** before the term, at least, an order must be served in order to stay proceedings in the action, unless made in the First Judicial District, or at the term where such action is to be tried, or unless contained in an order to show cause returnable on the first day of such term. (Rule 37, General Rules.)

**Two days'** notice must be given in the Appellate Term of New York of the settlement of proposed orders. (Special Rules, First Department.)

**One day's** notice of settlement of an order in a litigated motion must be given. (Rule 9, N. Y. Surrogates' Court.)

### OUTLAWRY.

**Six weeks** in succession, at least once a week, an order that a defendant convicted of treason appear in court to receive judgment upon the conviction or be outlawed must be published. (§ 817 Code Crim. Pro.)

### PAPERS.

#### Filing of.

**Ten days** after service, the attorney must file petition or affidavit upon which injunction, attachment, order of arrest, or writ has been granted. (Rule 4, General Rules.)

**Ten days** after delivery to an attorney of a copy of an order required to be filed in another county he must so file it or the order may be set aside. (Rule 3, General Rules.)

#### Objections to.

**Twenty-four hours** after the receipt of any papers in an action an attorney must make his objections thereto on the ground that they do not comply with section 796 of the Code. (Rule 19, General Rules.)

#### Inspection of.

**One day's** notice must be given of an application for an order for the inspection of the books, records, papers, etc., of any city department or official. (§ 1545 N. Y. City Charter.)

#### Evidence.

**Four days** after a party exhibits to the opposite party a paper requesting a written admission of its genuineness, the admission must be given or the expenses of preparing the same must be paid by the party refusing, upon direction of the court. (§ 735 Code Civ. Pro.)



### Appeals to Court of Appeals.

**Forty days** after the appeal is perfected the appellant must serve three copies of the case on the respondent's attorney. (Rule 6, Court of Appeals.)

**Ten days** after service of a notice by a respondent requiring the appellant to serve such copies, if he fails to do so, the appeal will be dismissed. (Rule 6, Court of Appeals.)

**Twenty days** before a case is placed on the day calendar, an appellant shall file with the clerk sixteen copies of the case and sixteen copies of his points, and serve on the respondent three copies of his points. (Rule 7, Court of Appeals.)

**Ten days** after such service the respondent shall file with the clerk sixteen copies and serve on the appellant three copies of his points. (Rule 7, Court of Appeals.)

**Five days** after the latter service the appellant may file with the clerk sixteen copies and serve on the respondent three copies of points in reply. (Rule 7, Court of Appeals.)

**Two days** before a case shall be placed on the day calendar where it is to be argued the first two weeks of any term commencing next after the making of a new calendar the party shall file the papers and serve or exchange the points. (Rule 7, Court of Appeals.)

### Appeals to Appellate Divisions.

**Thirty days** after service of a copy of a decision by a court or referee or after a trial by jury or after notice of the decision of the motion for a new trial, or after entry of judgment upon setting aside of a verdict the case must be made and served. (Rule 32, General Rules.)

**Ten days** thereafter the party served may propose amendments to the case. (Rule 32, General Rules.)

**Four days** thereafter the party serving the case may give notice of settlement. (Rule 32, General Rules.)

**Four to ten days** after such notice the case must be settled. (Rule 32, General Rules.)

**Two days'** notice of an application to extend the time in which to settle a case must be given the opposite party. (Rule 32, General Rules.)

**Ten days** after settlement the case must be signed and filed. (Rule 35, General Rules.)

**Twenty days**, in all cases except appeals from non-enumerated motions, after an appeal has been taken to the Appellate Division, or an order made for the hearing of a cause therein, or an agreed case filed in the clerk's office, or after the settlement and filing of a case, the papers must be served by the moving party (Rule 41, General Rules), **but**

**Fifteen days**, in the case of non-enumerated motions, after the appeal is taken, the papers must be served. (Rule 41, General Rules.)

**Three days'** notice of a motion to dismiss the appeal must be given where papers have not been served as required. (Rule 41, General Rules.)

**Eight days** before the day for the argument of an appeal from an order, sixteen copies of the papers must be filed with the clerk of the Appellate Division, First Department, and three copies served upon the adverse party. (Rule 4, App. Div. 1st Dept.)

**Four days'** notice of motion for the dismissal of an appeal from an order because of the failure of the adverse party to file the requisite papers must be given in the Appellate Division, First Department. (Rule 4, App. Div. 1st Dept.)

**Eight days** before the commencement of the term for which an enumerated case has been noticed for argument, sixteen copies of the papers must be filed with the clerk of the Appellate Division, First Department, and three copies served upon the adverse party. (Rule 5, App. Div. 1st Dept.)

**Four days'** notice of motion for the dismissal of an enumerated appeal because of the failure of the adverse party to file the requisite papers must be given in the Appellate Division, First Department. (Rule 5, App. Div. 1st Dept.)

**Ten days** before a cause is placed on the day calendar of the Appellate Division, Second Department, sixteen copies of the brief and points of the appellant shall be filed with the clerk and three copies served on the respondent. (Rules, App. Div. 2d Dept.)

**Five days** thereafter the respondent shall make a like service. (Rules, App. Div. 2d Dept.)

**Three days** thereafter the appellant may make a like service of answering brief and points. (Rules, App. Div. 2d Dept.)

**Twenty days** before a term of the Appellate Division, Third Department, the appellant shall serve upon the respondent three copies of his brief and points. (Rule 15, App. Div. 3d Dept.)

**Eight days** before said term the respondent shall make a like service. (Rule 15, App. Div. 3d Dept.)

**Three days** before said term the appellant may make a like service of answering brief and points. (Rule 15, App. Div. 3d Dept.)

**Fifteen days** after the service of the papers required by General Rule XLI, sixteen copies of the papers and points must be filed with the clerk and three copies served on the adverse party. (Rule 9, App. Div. 4th Dept.)

**Seven days** thereafter the adverse party shall make a like service. (Rule 9, App. Div. 4th Dept.)

**Five days** thereafter the first party may make a like service of answering points and briefs. (Rule 9, App. Div. 4th Dept.)

**Three days'** notice must be given of application for judgment by default on account of failure to serve brief and points. (Rule 9, App. Div. 4th Dept.)

### **Court of Claims.**

**Ten days** after a claim is filed, twelve copies thereof must be delivered to the clerk. (Rule 7, Court of Claims.)

**Ten days** after a case on appeal is settled, it must be filed with the clerk. (Rule 26, Court of Claims.)

**Ten days** after the service of the case on appeal, the respondent may propose and serve amendments thereto. (Rule 25, Court of Claims.)

**Ten days** thereafter notice of settlement may be served. (Rule 25, Court of Claims.)

**Five days'** notice of settlement must be given. (Rule 25, Court of Claims.)

#### **At Special Term.**

**Five days** before the time for argument a copy of the papers to be used shall be served. (Rule 40, General Rules.)

**Four days'** notice of a motion that the cause be struck from the calendar is required where the papers have not been served as required. (Rule 40, General Rules.)

### **PARTICULARS.**

*See BILL OF PARTICULARS.*

### **PARTIES.**

**Six months to one year** thereafter the court may direct by order as the time within which an action must be continued by the proper parties where the plaintiff has died or married. (§ 761 Code Civ. Pro.)

**Three years** after letters are issued, if an action to partition the real property is commenced, the executors or administrators of the estate of the decedent from whom the plaintiff's title is derived must be made parties defendant and the proceeds of the sale paid into court. (§ 1538 Code Civ. Pro.)

**Three months** after the death of one of the parties to an appeal the appellate court may order representatives of deceased to show cause why the appeal should not be heard (§ 1298 Code Civ. Pro.), and

**Six months** at least after making such order, a day must be specified when cause is to be shown. (§ 1298 Code Civ. Pro.)

**Three months** after the death of either party to an appeal from the Municipal Court of New York, the appellate court may make an order requiring all persons interested to show cause on a certain day why said appeal should not be dismissed or the judgment reversed, as the case may be (§ 321 Mun. Ct. Act), and

**Six months** after making such order, cause must be shown. (§ 321 Mun. Ct. Act.)

### **PARTITION.**

#### **Lis Pendens.**

**Sixty days** after filing the **lis pendens** the summons must be served or publication thereof commenced. (§ 1670 Code Civ. Pro.)

#### **Parties.**

**Three years** after letters are issued, if an action to partition the real property is commenced, the executors or administrators of the estate of the decedent from whom the plaintiff's title is derived must be made parties defendant and the proceeds of the sale paid into court. (§ 1538 Code Civ. Pro.)

#### **Stay of Sale.**

**Two days'** notice of an application to stay the sale must be given to the plaintiff's attorney. (Rule 67, General Rules.)

#### **Money Arising from the Sale.**

**Six weeks** in succession, at least once a week, the referee must publish a notice to all persons having liens to present them. (§ 1562 Code Civ. Pro.)

**Fourteen days** before an application therefor by a party whose share of the proceeds has been paid into court he must serve a notice thereof upon the owner of each incumbrance against the same residing within the State. (§ 1564 Code Civ. Pro.)

**Twenty days'** notice of the same must be given where the incumbrancer resides without the State (§ 1564 Code Civ. Pro.), and

**Four weeks** in succession, at least once a week, such notice must be published in the State paper where the residences of incumbrancers residing without the State cannot be ascertained. (§ 1564 Code Civ. Pro.)

**Twenty-five years** after a share of the proceeds belonging to an unknown heir has been paid into court a petition for the distribution thereof among the known heirs may be made. (§ 1502 Code Civ. Pro.)

**Six weeks'** publication of notice of such petition must be made (§ 1582 Code Civ. Pro.), **and**

**Twenty days'** service of such notice is also required on all known heirs residing within the State. (§ 1582 Code Civ. Pro.)

**Three months** after the share of an infant is paid into court the sum may be paid to the general guardian. (§ 1581 Code Civ. Pro.)

**Three months** after the entry of an order directing the distribution of the share of an unknown heir such order becomes conclusive. (§ 1582 Code Civ. Pro.)

**Twenty-five years** after payment into court of the proceeds of a sale of property in an action of partition all unknown heirs are presumed to have been dead at the time of the sale. (§ 841 Code Civ. Pro.)

### PARTNERSHIP.

**Thirty days** after filing a statement showing the parties having an interest in a partnership for the transportation of passengers or property such statement is conclusive, and only the persons named therein can be made defendants in an action against the partnership. (§ 1945 Code Civ. Pro.)

### PENALTY.

**Three years** after the cause of action accrues an action upon a statute for a penalty or forfeiture, where the action is given to the person aggrieved, or to that person and the people of the State, may be begun. (§ 383 Code Civ. Pro.)



**Two years** after the cause of action accrues an action upon a statute for a penalty to the people of the State, must be begun. (§ 384 Code Civ. Pro.)

**One year** after the commission of the offence an action upon a statute for a penalty or a forfeiture given wholly or partly to any person who will prosecute for the same, must be begun; if not so begun, within **two years** thereafter, it may be commenced in behalf of the people by the attorney-general or district attorney. (§ 387 Code Civ. Pro.)

**Thirty days** after a district attorney receives money upon a penalty he must pay it to the county treasurer. (§ 1967 Code Civ. Pro.)

## PERSONAL INJURIES.

*See INJURIES.*

## PERSONAL PROPERTY.

### Exempt Property.

**One year** after the collection of damages awarded by a judgment for taking or injuring personal property exempt by law from levy and sale under an execution such damages are themselves exempt. (§ 1394 Code Civ. Pro.)

### Assessment of.

**Five days** after a new assessment on personal property is made in the proper borough, written notice thereof must be mailed to the person taxed. (§ 894 N. Y. City Charter.)

### Notice of Sale.

**Six days'** notice of the sale of personal property must be given by posting notice thereof. (§ 1429 Code Civ. Pro.)

**Six days** before the sale of personal property, taken by a constable under an execution, notice thereof must be posted. (§ 3029 Code Civ. Pro.)

**Ten days'** notice of the sale of **personal** property upon an assignment must be given. (Special Rules, First Department.)



### **Lien Upon.**

**Ten days** after service of a notice of sale of personal property to satisfy a lien thereon, the owner must pay the amount thereof. (Lien Law, § 81.)

**Once a week, for two weeks**, notice of the sale must be published (Id. § 82), or

**Ten days** before the sale, the notice must be posted. (Id. § 82.)

**Fifteen days** after the first publication, the sale shall take place. (Id. § 82.)

**Thirty days** after the sale of personal property to satisfy a lien thereon, the owner must demand the balance of the proceeds thereof. (Id. § 84.)

**Five years** thereafter, such proceeds must be paid into the general fund of the city, town or village. (Id. § 84.)

## **PLACE OF TRIAL.**

*See TRIAL.*

## **PLEADINGS.**

### **Personal Service of Summons and Complaint.**

**Twenty days** after the service of the summons is complete the defendant may demand a copy of the complaint. (§ 479 Code Civ. Pro.)

**Twenty days** after a written demand has been made for a copy of the complaint the same must be served upon the defendant. (§ 479 Code Civ. Pro.)

**Eight days** before the return day of the summons in an action brought to enforce a mechanic's lien in a court not of record, the same must be served. (§ 3404 Code Civ. Pro.)

**Twelve to twenty days** after the date thereof, or after the day of the last publication thereof, a summons, in an action brought to enforce a mechanic's lien in a court not of record, must be returnable. (§ 3404 Code Civ. Pro.)

### Publication and Service Without State.

**Three months** after the order is granted, the first publication of the summons or the service upon the defendant without the State, must be made. (§ 441 Code Civ. Pro.)

**Six weeks'** publication, at least, is required as a substitute for personal service of a summons. (§ 440 Code Civ. Pro.)

**Six months'** absence from the United States by a resident of the State will entitle a plaintiff to an order allowing service without the State, or by publication where the absentee has designated no one to be served for him. (§ 438 Code Civ. Pro.)

**Ten days** after an order has been granted allowing other than personal service of summons, the order must be filed and the service made, or the order becomes inoperative. (§ 437 Code Civ. Pro.)

**Three years** is the limit of time during which a designation, by a resident of the State of another resident upon whom to serve papers during his absence, remains in force, when no period has been specified in the designation. (§ 430 Code Civ. Pro.)

**Once a week** for three successive weeks, a summons in an action brought to enforce a mechanic's lien in a court not of record may be published. (§ 3405 Code Civ. Pro.)

**Sixty days** next preceding the application for publication is the time within which the limitation of time to commence an action must have expired had not an attempt been made to commence it, where the defendant is a resident of the State or a domestic corporation. (§ 438 Code Civ. Pro.)

### Answering Pleadings.

**Twenty days** after the appearance of a defendant by an attorney, who has appeared for another defendant in the same action, the former must answer the complaint. (§ 479 Code Civ. Pro.)

**Twenty days** after service of a copy of any pleading in an action, a copy of the subsequent pleading must be served. (§ 520 Code Civ. Pro.)

**Twenty days**, at least, before trial, a defendant, whose answer demands a judgment determining the ultimate rights of two or more defendants, must serve a copy thereof upon each defendant, or his attorney, to be affected by the determination. (§ 521 Code Civ. Pro.)

**Twenty days** after the arrest of defendant, otherwise than by order of the court, he may answer. (§ 566 Code Civ. Pro.)

**Two days'** notice of application for an extension of time in which to serve a pleading must be given where the time has been extended for twenty days. (Rule 24, General Rules.)

#### **Default in Pleading.**

**Five days'** notice of assessment of damages by the clerk must be given where the defendant has appeared, but has made default in pleading. (§ 1219 Code Civ. Pro.)

**Two days'** notice is required in the City Court of New York. (§ 3161 Code Civ. Pro.)

#### **Filing of.**

**Ten days** after service each pleading must be filed with the clerk. (§ 824 Code Civ. Pro.)

#### **Bill of Particulars.**

**Ten days** after a written demand therefor has been made, the party pleading an account must deliver to the adverse party a copy of the items thereof. (§ 531 Code Civ. Pro.)

#### **Motion to Strike Out.**

**Five days'** notice must be given to the adverse party of an application to strike out a pleading as frivolous. (§ 537 Code Civ. Pro.)

**Twenty days** after the service of the pleading a motion to strike out irrelevant matter therein must be made. (Rule 22, General Rules.)

**Two days'** notice of an application for an extension of time to make such motion must be given. (Rule 22, General Rules.)

### Objections to.

**Twenty-four hours** after the receipt of any papers in an action an attorney must make his objections thereto on the ground that they do not comply with section 796 of the Code. (Rule 19, General Rules.)

### Amendment of.

**Twenty days** after a pleading is served, or at any time before the period for answering it expires, the pleading may be once amended as of course. (§ 542 Code Civ. Pro.)

**Twenty days** after a pleading is amended it may be demurred to or answered. (§ 543 Code Civ. Pro.)

### Divorce.

**Twenty days** after service of the pleading of either party in an action for divorce upon the co-respondent, he may appear to defend such action. (§ 1757 Code Civ. Pro.)

**Ten days** after the co-respondent in an action for divorce demands a copy of the summons and complaint, the plaintiff's attorney must serve the same. (§ 1757 Code Civ. Pro.)

### Court of Claims.

**Ten days** after a claim is filed, twelve copies thereof must be delivered to the clerk. (Rule 7, Court of Claims.)

**Ten days** before the beginning of the term, a counter-claim must be filed and served. (Rule 4, Court of Claims.)

**Twenty days** after service of a counter-claim, a verified reply thereto must be filed, unless the counter-claim was served within **ten days** before the beginning of the term at which the claim is to be heard. (Rules 4, 8, Court of Claims.)

**Ten days'** notice to dismiss a claim or counter-claim must be given. (Rule 9, Court of Claims.)

### City Court of New York.

**Within the same time** as the defendant is required by the summons to serve his answer, each plaintiff must be served. (§ 3166 Code Civ. Pro.)

**Two days'** notice must be given of an application for judgment upon a frivolous pleading, or to strike out a sham pleading, or for a judgment upon the defendant's default, or the execution of a reference or writ of inquiry or of an assessment thereupon. (§ 3161 Code Civ. Pro.)

**Ten days** after the arrest of the defendant in the City Court of New York he must demand complaint or serve a copy of his answer as the case requires. (§ 3166 Code Civ. Pro.)

#### **Municipal Court of New York.**

**Six days** before the return day thereof, a summons of the Municipal Court of New York must be served. (§ 37 Mun. Ct. Act.)

**Six days** before the return day of the summons, an order for the service thereof must be filed and the summons must be served, in the Municipal Court of New York. (§ 34 Mun. Ct. Act.)

**Twelve days** at most, after the date thereof, a summons of the Municipal Court of New York must be made returnable. (§ 37 Mun. Ct. Act.)

**Six months** after personal service of written notice thereof, a defendant served with the summons by order, in the Municipal Court of New York, can defend upon terms (§ 35 Mun. Ct. Act), or

**Two years** after the entry of judgment he may so defend, if such notice has not been served. (§ 35 Mun. Ct. Act.)

**Twenty days** after an answer of title has been interposed and an undertaking given in an action in the Municipal Court of New York, the plaintiff may file a new summons and complaint out of the supreme court (§ 180 Mun. Ct. Act.), and

**Twenty days** thereafter the defendant must admit service thereof. (§ 180 Mun. Ct. Act.)

**Eight days'** additional time to plead may be granted by a justice of the Municipal Court of New York when a demurrer has been interposed and disallowed. (§ 145 Mun. Ct. Act.)

**POINTS.**

*See* PAPERS.

**POOR PERSONS.**

**Ten days'** notice must be given persons having poor relatives before they can be compelled to contribute to their support. (§ 915 Code Crim. Pro.)

**Ten days'** notice must be given before the court may vary an order requiring such support. (§ 918 Code Crim. Pro.)

**PREFERENCE.**

**Two days'** notice of motion is required in the First Judicial District for an order entitling a cause to preference. (Special Rules, First Department.)

**PRISONER.**

*See* IMPRISONMENT.

**PROBATE.**

*See* SURROGATE'S COURT; WILL.

**PROBATE OF HEIRSHIP.**

**Ten years** after a decree is entered establishing the right of inheritance a petition by an outside party showing that he has a right in the property which was injured by the decree must be presented. (§ 2658 Code Civ. Pro.)

**PROPERTY.**

**Six months** after the conviction of the person stealing it, property not claimed by the owner must be applied for the benefit of the poor. (§ 689 Code Crim. Pro.)

**PROSECUTION.**

*See* MALICIOUS PROSECUTION.

## PROTEST.

**Ten days** after joinder of issue an affidavit must be served to the effect that notice of non-payment has not been received or the notary's certificate will be considered presumptive evidence. (§ 923 Code Civ. Pro.)

## PUBLIC ADMINISTRATOR.

### Accounting of.

**Six months** after the public administrator assumes charge of an estate, he shall account to the surrogate and may petition for a judicial settlement. (Laws 1898, ch. 230, § 24.)

**Forty days** before the return day of the citation to attend the judicial settlement of the accounts of the public administrator, where the balance in his hands is less than \$250, he shall mail such citation to each known claimant residing without the State. (Laws 1887, ch. 573, § 2.)

**Fourteen days** after January 1, each year, the public administrator must account to the municipal assembly (Laws 1898, ch. 230, § 27.), and

**Three weeks** in succession, **three** times a week, his account must be published. (Id.)

**Every month** the public administrator shall report to the municipal assembly. (Laws 1898, ch. 230, § 30.)

**Once every three months** the public administrator shall account to the mayor. (Laws 1898, ch. 230, § 27.)

**Forty days** before the return of the citation upon a judicial settlement of the accounts of the public administrator, where the balance of the estate is less than two hundred and fifty dollars, service thereof shall be made by mail upon parties residing without the State and whose residences are known. (Laws 1898, ch. 230, § 24.)

### Letters.

**Thirty days** before application for letters, the public administrator must serve notice thereof on the relatives of the deceased. (Laws 1898, ch. 230, § 12.)



**Four weeks'** publication, twice a week, in lieu of personal service, is necessary. (Laws 1898, ch. 230, § 12.)

**Six months** after the public administrator becomes vested with power to administer an estate, the granting of letters to another person will end such power. (Laws 1898, ch. 230, § 21.)

**Three months** after the public administrator becomes vested with power to administer an estate, letters may be granted to any relative who was not served with the proper notice. (Laws 1898, ch. 230, § 22.)

**Eight days'** notice of an application for letters upon the estate of a foreigner, must be given the consul of the nation to which the deceased belonged. (Laws 1898, ch. 230, § 19.)

#### **Creditors.**

**Twelve weeks** in succession, once a week, notice to creditors to present their claims must be published by the public administrator when the estate in his hands, after the payment of funeral expenses, is of greater value than \$50. (Laws 1898, ch. 230, § 24.)

**Six months** after the granting of letters to the public administrator claims of creditors must be presented, or he will not be held liable for his distribution. (Laws 1898, ch. 230, § 24.)

#### **Delivering Property To.**

**Twelve hours** after the death of a person in a hotel, etc., not a member of the family keeping such hotel, such death must be reported to the public administrator. (Laws 1898, ch. 230, § 33.)

**Twelve hours** after an inquest the coroner shall report to the public administrator the name of the deceased. (Id.)

**Twelve hours** after burial, an undertaker must report to the public administrator the name of a deceased having no known next of kin entitled to administer. (Id.)

**One year** before commencing suit to recover a penalty for violation of the above requirements, the public administrator must have served upon the defendant a copy of that section of the law. (Id., § 34.)

**Three months** after property of a deceased person is received at quarantine, if it remains unclaimed and the public administrator is authorized to take charge of it, it must be delivered to him. (Laws 1898, ch. 230, § 10.)

### Sale of Property.

**Three months** after the delivery to the public administrator of property of deceased persons, he may sell it, if unclaimed, at public auction. (Laws 1898, ch. 230, § 18.)

**Three days'** publication of a notice of sale of personal property of an estate by the public administrator is required. (Laws 1898, ch. 230, § 24.)

**Two months** after the granting of letters, the public administrator shall sell securities in his possession. (Laws 1898, ch. 230, § 24.)

### Administration of Estates.

**Thirty days** before administering an estate of less value than \$100, the public administrator must serve notice thereof on the relatives of the deceased. (Laws 1898, ch. 230, § 16.)

**Four weeks'** publication once a week, in lieu of personal service, is necessary. (Laws 1898, ch. 230, § 16.)

**One year** after the estate passes into the possession of the public administrator, he shall pay the unclaimed residue less than \$250 into the city treasury. (Laws 1898, ch. 230, § 24.)

**Two days** after receipt of any moneys, the public administrator must deposit the same. (Laws 1898, ch. 230, § 25.)

**Twelve weeks'** publication of the distribution of an estate is required. (Laws 1898, ch. 230, § 24.)

**PUBLICATION.****Of Summons.**

**Three months** after the order is granted, the first publication of the summons or the service upon the defendant without the State, must be made. (§ 441 Code Civ. Pro.)

**Six weeks'** publication, at least, is required as a substitute for personal service of a summons. (§ 440 Code Civ. Pro.)

**Six months'** absence from the United States by a resident of the State will entitle a plaintiff to an order allowing service without the State, or by publication where the absentee has designated no one to be served for him. (§ 438 Code Civ. Pro.)

**Ten days** after an order has been granted allowing other than personal service of summons, the order must be filed and the service made, or the order becomes inoperative. (§ 437 Code Civ. Pro.)

**Three years** is the limit of time during which a designation, by a resident of the State of another resident upon whom to serve papers during his absence, remains in force, when no period has been specified in the designation. (§ 430 Code Civ. Pro.)

**Sixty days** next preceding the application for publication is the time within which the limitation of time to commence an action must have expired had not an attempt been made to commence it, where the defendant is a resident of the State or a domestic corporation. (§ 438 Code Civ. Pro.)

**Attachment.**

**Six months'** absence from the United States next before the granting of the order of publication of the summons against him by an adult defendant resident of the State, who has made no designation of another to be served in his absence, is ground for a warrant of attachment against his property. (§ 636 Code Civ. Pro.)

**Thirty days** after granting of the warrant service of the summons must be made personally or commenced by publication. (§ 630 Code Civ. Pro.)

### **Bankrupt.**

**Once a week** for not more than **three weeks**, the notice of application by a bankrupt for the discharge of a judgment against him must be published where the creditor is a non-resident or his residence is unknown, etc. (§ 1268 Code Civ. Pro.)

### **City Court of New York.**

**Ten days** after service of summons without the city of New York or by publication, the defendant must appear. (§ 3165 Code Civ. Pro.)

**Six weeks'** publication of a summons must be made at least once a week where a warrant of attachment has been issued. (§ 3170 Code Civ. Pro.)

**Thirty days** after the granting of the warrant the summons must be personally served or the first publication thereof begun. (§ 3170 Code Civ. Pro.)

**Three weeks** in succession before a term is held in pursuance thereof, an appointment of terms for the City Court of New York must be published. (§ 325 Code Civ. Pro.)

### **Condemnation of Real Property.**

**Three months** after the order of service is granted a non-resident defendant must be served or the first publication of the petition and notice be made. (§ 3362 Code Civ. Pro.)

**Six weeks'** publication, once a week, in two newspapers, of the petition and notice is required. (§ 3362 Code Civ. Pro.)

### **Creditor's Action.**

**Three weeks** in succession, once a week, the notice of a direction by the court for outside persons to present their demands must be published. (§ 786 Code Civ. Pro.)

### **Dissolution of Corporation.**

**Three weeks** in succession, once a week, before the return day the order must be published. (§ 2425 Code Civ. Pro.)

**Four weeks'** publication in the State paper of the judgment annulling a corporation is necessary. (§ 1803 Code Civ. Pro.)

**Six months** after the first publication of an order to that effect creditors of the corporation must exhibit and prove their claims and make themselves parties to the action. (§ 1807 Code Civ. Pro.)

#### **Foreclosure.**

**Sixty days** after filing the *lis pendens* the summons must be served or the publication thereof commenced. (§ 1670 Code Civ. Pro.)

#### **Foreclosure by Advertisement.**

**Twelve weeks** in succession, once a week, immediately preceding the sale, the notice must be published. (§ 2388 Code Civ. Pro.)

#### **Insolvent's Discharge.**

**Ten weeks** in succession, once each week, an order to show cause why an insolvent should not be discharged must be published, if any of the creditors live more than one hundred miles from the place where the order is returnable. (§ 2165 Code Civ. Pro.)

**Six weeks'** publication only is required if all the creditors live within one hundred miles. (§ 2165 Code Civ. Pro.)

#### **Sale of Real Property Under Execution.**

**Three to six weeks'** notice must be published. (§§ 1434, 1678 Code Civ. Pro.)

#### **Surrogate's Court.**

**Six weeks** in succession, once a week, a citation against a non-resident or one whose address is not known, must be published. (§ 2524 Code Civ. Pro.)

**Four weeks'** publication of notice to creditors to present their claims must be made in order that the penalty of the bond to be given by the administrator need not exceed double the amount of such claims. (§ 2664 Code Civ. Pro.)

**Thirty days** at least after the first publication such claims must be presented. (§ 2664 Code Civ. Pro.)

### Writ of Assessment of Damages.

**Three weeks** in succession, once a week, the sheriff must publish notice of the execution of a writ of assessment of damages. (§ 2108 Code Civ. Pro.)

**Three months** after the writ and return are filed the attorney-general must publish a notice requiring all interested persons to show cause why the inquisition should or should not be confirmed. (§ 2112 Code Civ. Pro.)

### PUBLIC FUNDS.

**Ten years** after the cause of action accrues, an action by the people of the State to recover for the misappropriation of public funds, etc., must be begun. (§ 1973 Code Civ. Pro.)

### PUBLIC OFFICER.

**One year** after payment of a tax therein a taxpayer may bring an action against an officer of a municipal corporation to prevent injury to the property of the corporation. (§ 1925 Code Civ. Pro.)

**Fourteen days'** notice of an application to substitute an officer in such an action for his predecessor shall be given. (§ 1930 Code Civ. Pro.)

### REAL PROPERTY.

#### Limitation of Actions in Reference to.

**Forty years** from the time the cause of action accrued or from the receipt by the people of the rents and profits of the real property an action may be commenced by the people of the State or their grantee, to recover real property. (§§ 362, 363 Code Civ. Pro.)

**Twenty years** after the determination of a competent court declaring void a grant of real property made by the people of the State, an action of ejectment may be commenced to recover the premises in question, either by the people or by their subsequent grantee of the same premises. (§ 364 Code Civ. Pro.)



**Twenty years** before the commission of an act with respect to which a defence or counterclaim founded upon the title to real property is made, the person making it, or his ancestor or grantor, must have been seized or possessed of the premises in question in order that such defence or counterclaim be effectual. (§ 366 Code Civ. Pro.)

**One year** after the making of an entry upon real property an action for the possession thereof may be begun. (§ 367 Code Civ. Pro.)

**Twenty years** after a right of entry upon real property accrues an action for the possession thereof may be begun. (§ 367 Code Civ. Pro.)

**Twenty years'** actual, continued occupation of real property under a claim of title is deemed adverse possession unless an action has been commenced within that period. (§§ 368, 369, 370, 371, 372 Code Civ. Pro.)

**Twenty years'** actual continued possession of real property after the termination of a tenancy, or the last payment of rent will destroy the presumption that the title is in the landlord. (§ 373 Code Civ. Pro.)

**Ten years** after the disability ceases, or after the death of a person, who, when he was entitled to commence an action to recover, or to make an entry upon, or to interpose a defence or counterclaim founded on the title to real property, was disabled by being:

1. Within the age of twenty-one years; or,
2. Insane; or,
3. Imprisoned for a term less than for life; the time to commence an action may be extended. (§ 375 Code Civ. Pro.)

#### **Action to Recover Property Escheated.**

**Twelve weeks** in succession, once a week, a notice of such an action must be published by the attorney-general in the State paper. (§ 1978 Code Civ. Pro.)

**Five years** after judgment in such an action in favor of the people an action in ejectment for the recovery thereof may be brought. (§ 1980 Code Civ. Pro.)



**Action for Encroachment.**

**One year** after the erection, in a city, of the wall of a building, which encroaches not to exceed six inches upon an adjoining lot, an action to recover the land so encroached upon must be begun (§ 1490 Code Civ. Pro.), and

**One year** after such period of time has elapsed, an action to recover damages for the encroachment must be begun. (§ 1499 Code Civ. Pro.)

**Determination of Claim to.**

**One year** after a person has been in possession of real property under a claim of title he may begin an action for the determination of an adverse claim. (§ 1638 Code Civ. Pro.)

**One year** after final judgment therein the court may grant a new trial. (§ 1646 Code Civ. Pro.)

**One year** after his disability ceases a defendant, who is an infant, insane, or imprisoned on a criminal charge for a term less than for life, may have a new trial as a matter of right. (§ 1646 Code Civ. Pro.)

**One year** after the death of such a defendant his representatives shall have the same right. (§ 1646 Code Civ. Pro.)

**Four months** after the death of her husband an action may be brought against a widow to compel the determination of her claim to dower in real property. (§ 1647 Code Civ. Pro.)

**Evidence of Title to.**

**Thirty years'** unbroken title to real property next preceding the commission of a trespass or injury thereto, may be shown by the plaintiff in an action to recover damages therefor as presumptive evidence of ownership. (§ 960 Code Civ. Pro.)

**Perpetuation of Testimony Concerning.**

**One year's** possession of real property must be shown by applicant for the perpetuation of testimony in relation thereto. (§§ 1688d, 1688e Code Civ. Pro.)

**Ten years'** term must be claimed by tenant for years in order to have testimony concerning the real estate perpetuated. (§ 1688d Code Civ. Pro.)

**Ten days** after deposition taken in proceedings to perpetuate testimony concerning real estate is certified to by the referee it must be filed with the county clerk. (§ 1688h Code Civ. Pro.)

### Re-Entry.

**Fifteen days'** notice of re-entry must be given by a landlord to the tenant where the tenant has defaulted in the payment of rent. (§ 1505 Code Civ. Pro.)

**Six months** after the possession of property has been awarded to the plaintiff or landlord the tenant or his representatives may pay or tender to the landlord the amount due for rent with other proper costs and charges. (§ 1508 Code Civ. Pro.)

**Three months** after such payment or tender the tenant may apply for an order giving him possession of the property. (§ 1509 Code Civ. Pro.)

**Three years** after judgment is entered in an action to recover real property the defendant or his representative is entitled to an order granting a new trial upon payment of costs and damages. (§ 1525 Code Civ. Pro.)

**Two years** after the second final judgment is rendered a second trial may be granted upon like terms. (§ 1525 Code Civ. Pro.)

**Five years** after such a judgment is filed the court may grant a new trial if justice will be thereby promoted. (§ 1526 Code Civ. Pro.)

**Three years** may be added to the time limited for applying for a new trial if the defendant was at the time of the filing of the judgment roll either,

1. Under the age of twenty-one years; or,
  2. Insane; or,
  3. Imprisoned on a criminal charge for a term less than life.
- (§ 1527 Code Civ. Pro.)

### **Contribution of Owners of.**

**Twenty days** after payment of a judgment by one judgment debtor he may, in order to preserve the judgment for the purposes of enforcing contribution, file an affidavit of the amount paid and his claim for reimbursement of a part thereon. (§ 1485 Code Civ. Pro.)

### **Lien of Judgment.**

**Ten years** a judgment remains a lien on real estate. (§ 1251 Code Civ. Pro.)

**Ten years** after the entry of a judgment of the Municipal Court of New York, which is docketed in the office of the county clerk, the same is a charge upon real property. (§ 263 Mun. Ct. Act.)

### **Contract for Sale of.**

**Ten days'** notice must be given before one who appeals from a judgment in favor of the owner of real estate in an action to compel the specific performance of a contract for the sale thereof, files his undertaking to pay such owner such damages as he may suffer by reason of such appeal. (§ 1323 Code Civ. Pro.)

### **Presumption of Death in Reference To.**

**Seven years'** absence will raise the presumption of the death of a party upon whose life an estate in real property depends in an action concerning the property. (§ 841 Code Civ. Pro.)

### **Judgment Creditor's Action.**

**Two days'** notice of the justification of the sureties to an undertaking given by the defendant to release real estate must be given. (§ 1674 Code Civ. Pro.)

### **Partition of.**

**Three years** after letters are issued, if an action to partition the real property is commenced, the executors or administrators of the estate of the decedent from whom the plaintiff's title is derived must be made parties defendant and the proceeds of the sale paid into court. (§ 1538 Code Civ. Pro.)

### **Lease by Committee.**

**Five years'** lease of real property may be given by a committee without direction of the court. (§ 2339 Code Civ. Pro.)

### **Surrogate's Court.**

**Four years** after death a will devising real property must be admitted to probate or be established in order to affect the title of an heir at law or his grantee to the property; unless at the time of testator's death the devisee was an infant, or insane or imprisoned on a criminal charge, or without the State, or unless the will was concealed, in which case one year after the devisee's disability is removed or the will delivered, such limitation begins to run. (§ 2628 Code Civ. Pro.)

**Four years** after the death of the decedent letters must be issued in order that a sale of his real property by his administrator should take precedence over a sale by one of his heirs. (§ 2777 Code Civ. Pro.)

**Twenty-five years** after the sale of real property, where the surrogate's records have been removed, the appointment of a guardian for each infant party at the time of the sale is presumed. (§ 2785 Code Civ. Pro.)

**Six weeks'** publication of the notice of distribution of the proceeds of the sale, mortgage or lease of real property must be made. (§ 2787 Code Civ. Pro.)

**Thirty days** after the proceeds of a sale of real property to satisfy a mortgage or other lease thereupon are received the surplus must be paid into the Surrogate's Court. (§ 2798 Code Civ. Pro.)

**Four weeks'** publication of a citation to show cause why a decree should not be made distributing such surplus must be made. (§ 2799 Code Civ. Pro.)

### **Sale in Assignment.**

**Twenty days'** notice of the sale of **real** property must be given. (Special Rules, First Department.)

### **Sale of Corporation Property.**

**Eight days'** notice of the application must be given personally to all interested parties. (§ 3395 Code Civ. Pro.)

**Sixteen days'** notice must be given by mail. (§ 3395 Code Civ. Pro.)

### **Execution Against.**

**Twenty days'** notice to the occupants of land sought to be recovered and to the representatives of a deceased party against whom a judgment for the recovery of real property has been obtained, must be given of an execution to be issued thereupon. (§ 1376 Code Civ. Pro.)

**Forty-two days** before the sale of real property notice thereof must be posted. (§§ 1434, 1678 Code Civ. Pro.)

**Three to six weeks** such notice must be published. (§§ 1434, 1678 Code Civ. Pro.)

**Four weeks** such sale may be adjourned. (§ 1678 Code Civ. Pro.)

**Ten days** after the sale the sheriff must file a certificate of sale with the clerk and deliver one to the purchaser. (§ 1439 Code Civ. Pro.)

**Twenty days** after the entry of a judgment declaring null and void the title of a purchaser of real property, the plaintiff in an action shall pay to the grantee or purchaser the money which was paid upon the sale with the proper costs. (§ 1440 Code Civ. Pro.)

**One year** after the sale the debtor or his heirs or grantees may redeem it. (§§ 1446, 1447, 1458, 1459 Code Civ. Pro.)

**Three months** thereafter a creditor of the debtor may redeem it. (§§ 1449, 1450 Code Civ. Pro.)

**Twenty-four hours** after redemption by one creditor a second creditor may redeem from the first although fifteen months from the sale have elapsed. (§ 1454 Code Civ. Pro.)

**Fifteen months** after the sale, if no redemption has taken place, the sheriff must execute the proper deed to the party entitled to the property. (§ 1471 Code Civ. Pro.)

### Tax Upon.

**One year** after the delivery of the books to the receiver of taxes, any remission or reduction of taxes on real estate must be made. (§ 897 N. Y. City Charter.)

**Ten days** after an assessment is entered in the record of the collector of assessments and arrears it becomes a lien upon the real property affected thereby. (§ 159 N. Y. City Charter.)

**Three years** after a tax or assessment on lands is confirmed, the same must be paid or the lands may be advertised for sale. (§ 1027 N. Y. City Charter.)

**Three months'** publication, once each week, of a notice of sale of real property for non-payment of taxes is required. (§ 1027 N. Y. City Charter.)

**Fifteen months** the sale may be postponed. (§ 1029 N. Y. City Charter.)

**Thirty days** after the sale of lands for taxes, the certificate of sale must be paid for. (§ 1030 N. Y. City Charter.)

**One year** after the purchase by the city of lands sold for taxes, the same may be assigned by the collector to any person paying therefor. (§ 1032 N. Y. City Charter.)

**Two years** after the sale of lands for taxes, if the same are unredeemed, a lease will be executed to the purchaser (§ 1041 N. Y. City Charter), **but**

**Six months** prior thereto, the notice to redeem must have been published. (§ 1041 N. Y. City Charter.)

**Six months'** notice must be given to the occupant or owner of lands sold for taxes to redeem the same within said time. (§§ 1043, 1047 N. Y. City Charter.)

**Six weeks'** publication, **twice** each week, of a notice of the expiration of time to redeem lands sold for taxes is required. (§ 1041 N. Y. City Charter.)

**Two years** after the sale of lands for taxes, the mortgagee thereof may redeem the same. (§ 1040 N. Y. City Charter.)



**Sixty days** before the time to redeem property sold for taxes expires, the collector shall notify all mortgagees and other persons who have within **one month** theretofore filed with the comptroller a memorandum of the mortgage, etc. (§ 1036 N. Y. City Charter.)

**One month** after the expiration of a lease of lands sold for taxes, the purchaser may remove all buildings erected thereon by him. (§ 1041 N. Y. City Charter.)

**Three months'** publication of a notice to owners of lands unclaimed after the expiration of the term for which the same were sold for taxes, must be given by the city before making improvements thereon. (§ 1035 N. Y. City Charter.)

### Water Rents.

**Four years** after water rents are due, they must be paid or the lands charged therewith may be advertised for sale. (§ 1027 N. Y. City Charter.)

### Condemnation Proceedings.

**Eight days** before the presentation of the petition it must be served on the owners of the property. (§ 3361 Code Civ. Pro.)

**Six weeks'** publication, once a week, in two newspapers, of the petition and notice is required. (§ 3362 Code Civ. Pro.)

**Three months** after the order of service is granted a non-resident defendant must be served or the first publication of the petition and notice be made. (§ 3362 Code Civ. Pro.)

**Twenty days** after the case is submitted the court or referee shall file decision. (§ 3367 Code Civ. Pro.)

**Eight days'** notice of the appointment of commissioners must be given. (§ 3369 Code Civ. Pro.)

**Eight days'** notice of each meeting of the commissioners must be given. (§ 3370 Code Civ. Pro.)

**Ten days** after service of an offer to purchase by the plaintiff, it must be filed with the county clerk. (§ 3372 Code Civ. Pro.)



**Thirty days** after the entry of the final order the plaintiff may move to abandon the proceeding. (§ 3374 Code Civ. Pro.)

**Eight days'** notice of such motion must be given. (§ 3374 Code Civ. Pro.)

**Thirty days** after service of a copy of the final order an appeal must be taken. (§§ 3375, 3376 Code Civ. Pro.)

### **Condemnation Proceedings in N. Y. City.**

**Thirty days'** notice must be given the comptroller of New York city of proceedings to acquire real estate on behalf of the city. (§ 149 N. Y. City Charter.)

**Ten days'** publication of notice of an application for the appointment of commissioners of estimate and appraisal is required. (§ 1437 N. Y. City Charter.)

**Ten days'** notice, by publication and by service, of the appointment of commissioners shall be given such parties as have appeared. (§ 1437 N. Y. City Charter.)

**Ten days'** notice of an application for the appointment of a new commissioner to fill a vacancy shall be given to all parties who have appeared. (§ 1443 N. Y. City Charter.)

**Ten days** before proof of value of the lands sought to be acquired is submitted to the commissioners, a written offer of terms of sale must have been filed by the owner to entitle him to costs where the award exceeds the offer. (§ 1436c N. Y. City Charter.)

**Six months** after the commissioners have filed their oaths, they shall present their report to the court. (§ 1438 N. Y. City Charter.)

**Six months** after the filing of the oath of the commissioners, if a resolution to that effect were passed before the appointment of the commissioners, title to the property shall vest in the city (§ 1439 N. Y. City Charter), **but**

**Two months** after the passing of the resolution such title shall vest if the same were passed after the appointment of the commissioners. (§ 1439 N. Y. City Charter.)

**Ten days'** publication of notice of deposit of the report of the commissioners is required. (§ 1440 N. Y. City Charter.)

**Ten days** after the first publication of such notice, objections to the report must be filed. (§ 1440 N. Y. City Charter.)

**Ten days** after the report of the commissioners is filed, notice of the presentation of the same for confirmation shall be given. (§ 1438 N. Y. City Charter.)

**Ten days'** publication of said notice is required. (§ 1438 N. Y. City Charter.)

**Five days** before presentation, said notice shall be served on those parties who have appeared. (§ 1438 N. Y. City Charter.)

**Ten days** after the entry of the order confirming the report of the commissioners, a copy thereof must be filed in the county in which the land to be acquired is located. (§ 1438b N. Y. City Charter.)

**Two months** after the confirmation of the report, the city shall pay the awards with interest. (§ 1440 N. Y. City Charter.)

**Five days'** notice of the taxation of the fees and expenses of the proceeding shall be given the corporation counsel. (§ 1447 N. Y. City Charter.)

**Twenty days** after notice of confirmation of the report of the commissioners any interested party may appeal to the Appellate Division. (§ 1442 N. Y. City Charter.)

**Six weeks'** publication, once a week, is required of a notice of the presentation of a petition for the appointment of commissioners to estimate the damages to be paid by the city in acquiring property for water supply (§ 491 N. Y. City Charter), and

**Six weeks** before said application notice thereof must also be posted. (§ 491 N. Y. City Charter.)

**Ten days'** notice, by publication, must be given of an application for the appointment of a commissioner to fill a vacancy. (§ 495 N. Y. City Charter.)

**Three weeks'** publication, once a week, is required of notice of a hearing by the board of estimate and apportionment respecting the acquisition by the city of real estate for the purposes of its water supply. (§ 486 N. Y. City Charter.)

**One year** after the appointment of commissioners of appraisal, interested parties must present their claims. (§ 502 N. Y. City Charter.)

**Ten days** after the report of the commissioners is filed, the corporation counsel shall give notice of an application to confirm the same (§ 498 N. Y. City Charter), **and**

**Four weeks**, once a week, such notice must be published. (§ 498 N. Y. City Charter.)

**Four months** after the confirmation of the report of the commissioners, the awards made therein shall be paid by the city (§ 500 N. Y. City Charter.)

**Five days'** notice must be given the corporation counsel of the taxation of the costs and expenses of the proceedings. (§ 508 N. Y. City Charter.)

**Twenty days** after confirmation of the report of the commissioners, either party may appeal therefrom. (§ 505 N. Y. City Charter.)

**Four months** after the filing of the oaths of the commissioners appointed in proceedings to acquire wharf property, the title to the property shall vest in the city. (§§ 823, 824 N. Y. City Charter.)

## RECEIVER.

### Action Against.

**Three years** after the cause of action accrues an action against a receiver of an insolvent debtor to recover a chattel or damages for injury to personal property, must be begun. (§ 383 Code Civ. Pro.)

### Accounting.

**Eight days** before the accounting the receiver must give notice of the same to the sureties on his bond. (§ 715 Code Civ. Pro.)

### In Supplementary Proceedings.

**Two days'** notice of an application for the appointment of a receiver must be given; but such application may be made without notice on the return day of a warrant or order to attend. (§ 2464 Code Civ. Pro.)

**Thirty days** after a receiver ceases to be a resident of the State the judgment creditor may apply for the appointment of another in his place. (§ 2469 Code Civ. Pro.)

### Of Debtor's Estate.

**Ten days'** notice of the time and place of a sale of the debts and other doubtful claims of the debtor must be publicly given by the receiver. (Rule 77, General Rules.)

### Of Corporation.

**Every six months** the receiver of an insurance, banking or railroad corporation or trust company must file a report with the supreme court, the bank or insurance superintendent, and the attorney-general. (Laws 1883, ch. 378, § 4, as amended.)

**Eight days'** notice of filing such report shall be served on the attorney-general. (Id.)

**Once a year** the attorney-general shall examine the accounts of such receiver. (Id.)

**Thirty days** after the receiver of an insolvent corporation is required to file a report, the attorney-general may move to compel him to do so. (Laws 1880, ch. 537, § 2.)

**Three weeks**, receivers appointed in a proceeding for the **voluntary dissolution** of a corporation shall publish notice of their appointment. (R. S. Part III, ch. 8, t. 4, § 70.)

**Four months** after their appointment, such receivers must call a meeting of the creditors. (Id. § 74.)

**One year** after declaring the first dividend, and

**Sixteen months** after appointment, such receivers shall make a second dividend. (Id. § 80.)

**Three weeks'** publication of the notice of such second dividend is required. (Id. § 80.)

**Three months** after the second dividend the receivers must render their account. (Id. § 86.)

**Three weeks'** publication of notice of filing such account is required. (Id. § 87.)

**Eight days'** notice of an order or judgment of the court in a proceeding pending for the dissolution of a corporation must be served on the attorney-general. (Laws 1882, ch. 331, § 2; Laws 1883, ch. 378, § 8.)

**Every three months**, beginning January 1 of each year, a receiver appointed under § 1788 of the Code must render an account. (R. S. Part III, ch. 8, t. 4, § 42.)

## RECORDS.

**Twenty years** after official records are placed on file in New York city, they shall be presumptive evidence of their contents. (§ 955 Code Civ. Pro.)

**One day's** notice must be given of an application for an order for the inspection of the books, records, papers, etc., of any city department or official. (§ 1545 N. Y. City Charter.)

## REDEMPTION.

### Of Property Sold Under Execution.

**One year** after the sale the debtor or his heirs or grantees may redeem it. (§§ 1446, 1447, 1458, 1459 Code Civ. Pro.)

**Three months** thereafter a creditor of the debtor may redeem it. (§§ 1449, 1450 Code Civ. Pro.)

**Twenty-four days** after redemption by one creditor a second creditor may redeem from the first although fifteen months from the sale have elapsed. (§ 1454 Code Civ. Pro.)

**Fifteen months** after the sale, if no redemption has taken place, the sheriff must execute the proper deed to the party entitled to the property. (§ 1471 Code Civ. Pro.)

### In Summary Proceedings.

**One year** after the issuing of the warrant the tenant may redeem, where the unexpired term of the lease exceeds **five years**. (§ 2256 Code Civ. Pro.)

**The next legal day** after the expiration of such year a judgment creditor or mortgagee of the tenant may redeem. (§ 2257 Code Civ. Pro.)

**Two to ten days** after an order to show cause why a petition to redeem should not be granted is made, it must be returnable. (§ 2259 Code Civ. Pro.)

**Two days** before the return day such order must be served. (§ 2259 Code Civ. Pro.)

### RE-ENTRY.

**Fifteen days'** notice of re-entry must be given by a landlord to the tenant where the tenant has defaulted in the payment of rent. (§ 1505 Code Civ. Pro.)

**Six months** after the possession of property has been awarded to the plaintiff or landlord the tenant or his representative may pay or tender to the landlord the amount due for rent with other proper costs and charges. (§ 1508 Code Civ. Pro.)

**Three months** after such payment or tender the tenant may apply for an order giving him possession of the property. (§ 1509 Code Civ. Pro.)

**Three years** after judgment is entered in an action to recover real property the defendant or his representative is entitled to an order granting a new trial upon payment of costs and damages. (§ 1525 Code Civ. Pro.)

**Two years** after the second final judgment is rendered a second trial may be granted upon like terms. (§ 1525 Code Civ. Pro.)

**Five years** after such a judgment is filed the court may grant a new trial if justice will be thereby promoted. (§ 1526 Code Civ. Pro.)

**Three years** may be added to the time limited for applying for a new trial if the defendant was at the time of the filing of the judgment roll either;

1. Under the age of twenty-one years; or
  2. Insane; or
  3. Imprisoned on a criminal charge for a term less than life.
- (§ 1527 Code Civ. Pro.)

### REFEREE.

#### Report of.

**Sixty days** after the cause is finally submitted the referee must file his report or deliver it to one of the parties. (§ 1019 Code Civ. Pro.)

**Ten days** after the service of the report of the referee an exception to a finding of law must be taken. (§§ 994, 1001 Code Civ. Pro.)

**Eight days** after service of notice of filing of a report in a reference other than for the trial of issues or for computing the amount due in foreclosure cases, exceptions thereto must be filed and served. (Rule 30, General Rules.)

#### Depositions on Motion.

**One day's** notice must be given of an application for the appointment of a referee to take depositions to be used on a motion. (§ 885 Code Civ. Pro.)

#### Reference for Judgment.

**Five days'** notice of the time and place of the execution of a reference or writ of inquiry must be given to a defendant in an action where an application to the court is required. (§ 1219 Code Civ. Pro.)

#### In Surrogate's Court.

**Ninety days** after the referee has submitted his report the surrogate must pass upon it. (§ 2546 Code Civ. Pro.)

**Two days'** notice of application to confirm a referee's report not acted upon by the surrogate must be given. (§ 2546 Code Civ. Pro.)

**Eight days** after service of a copy of a referee's report objections thereto must be filed. (Rule 8, N. Y. Surrogates' Court.)



**Eight days'** notice of hearing of such objections must be given. (Rule 8, N. Y. Surrogates' Court.)

**In City Court of New York.**

**Two days'** notice must be given of the execution of a reference. (§ 3161 Code Civ. Pro.)

**REPLEVIN.**

**In Court of Record.**

**Three days** after a chattel is replevied the defendant may except to the sureties on the undertaking. (§ 1703 Code Civ. Pro.)

**Ten days** after such exception plaintiff must serve notice of justification. (§ 1703 Code Civ. Pro.)

**Three days** after a chattel is replevied the defendant may serve a notice and undertaking requiring a return of the chattel. (§ 1704 Code Civ. Pro.)

**Three days** thereafter defendant must serve notice of justification of the sureties to the undertaking. (§ 1704 Code Civ. Pro.)

**Five to ten days** after service of the notice thereof justification must be had. (§ 1705 Code Civ. Pro.)

**Twenty days** after the delivery of the chattel the sheriff must file his return. (§ 1715 Code Civ. Pro.)

**Ten days'** service of a notice requiring him so to do must be given. (§ 1716 Code Civ. Pro.)

**Fourteen days** after a chattel has been replevied and delivered to the plaintiff the defendant may serve notice demanding judgment for the return thereof. (§ 1725 Code Civ. Pro.)

**Three months** after the delivery of the chattel to the plaintiff the summons in an action against the sheriff must be issued (§ 1710 Code Civ. Pro.), and

**Three months** after issuing the summons it must be served. (§ 1710 Code Civ. Pro.)

### In Justice's Court.

**Six days** before the return day of the summons the replevy must be made. (§ 2921 Code Civ. Pro.)

**Six days** before the return day of the summons the constable must serve the summons, affidavit and requisition. (§ 2922 Code Civ. Pro.)

**Two days** before the return day the defendant may except to the plaintiff's sureties. (§ 2924 Code Civ. Pro.)

**Three months** after the delivery of the chattel replevied to the plaintiff an outside claimant who has served the proper affidavit may issue summons in action against the constable. (§ 2929 Code Civ. Pro.)

**Three months** after the issuing of the summons it must be served. (§ 2929 Code Civ. Pro.)

### In Municipal Court of New York.

**Six days** before the return day of the summons the marshal must execute a writ of replevin. (§ 101 Mun. Ct. Act.)

**Two days** before the return day of the summons the defendant may except to the plaintiff's sureties in an action in replevin. (§ 106 Mun. Ct. Act.)

**One day** only, except by consent, may the examination of sureties on a bond in replevin be adjourned. (§ 109 Mun. Ct. Act.)

**Three months** after a marshal has delivered to the plaintiff property replevied by him, an action against the marshal by a third party who has duly claimed the property must be begun by the issuing of the summons (§ 114 Mun. Ct. Act), and

**Three months** after such summons is issued, it must be served. (§ 114 Mun. Ct. Act.)

### REPLY.

**Twenty days** after service of a counterclaim, a verified reply thereto must be filed, unless the counterclaim was served within **ten days** before the beginning of the term at which the claim is to be heard. (Rules 4, 8, Court of Claims.)

**REPORT.**

*See* DECISION.

**RESTITUTION.**

**Six days'** notice of an application for an order for restitution must be given where the judgment of the justice is reversed or modified. (§ 3058 Code Civ. Pro.)

**Six days'** notice of an application for an order for restitution must be given, after the decision of an appeal from the Municipal Court of New York. (§ 323 Mun. Ct. Act.)

**RETURN.**

**Ten days** after service of an order to that effect an officer must make a return required by law or show cause why an attachment should not issue against him. (Rule 6, General Rules.)

**REVOCATION OF PROBATE.**

**One year** after probate a petition to revoke the same must be presented. (§ 2648 Code Civ. Pro.)

**Three weeks** in succession notice of the revocation must be published. (§ 2653 Code Civ. Pro.)

**RULES.**

**Every two years** at least from the fourth Tuesday in October, 1895, the justices assigned to the Appellate Division of the Supreme Court shall meet in convention to revise the rules for courts of record. (§ 17 Code Civ. Pro.)

**Three weeks'** publication is required before a rule of the Supreme Court or a general rule or order of the Court of Appeals can take effect. (§ 18 Code Civ. Pro.)

**Five days** after its adoption a copy of each amendment to the rules touching the admission of attorneys and counselors to practice in courts of record shall be filed in the office of the secretary of State. (§ 57 Code Civ. Pro.)

**SALE.****Under General Assignment.**

**Ten days'** notice of the sale of **personal** property must be given. (Special Rules, First Department.)

**Twenty days'** notice of the sale of **real** property must be given. (Special Rules, First Department.)

**By Receiver.**

**Ten days'** notice of the time and place of a sale of the debts and other doubtful claims of the debtor must be publicly given by the receiver. (Rule 77, General Rules.)

**Of Property in Surrogate's Court.**

**Six months** after letters are issued a creditor may petition for the payment of his claim. (§ 2722 Code Civ. Pro.)

**Three years** after letters are issued or after the final determination in favor of an executor, administrator, or creditor in an action to recover any real estate of the deceased, such executor, administrator or creditor may petition to have the real property sold to pay the decedent's debts. (§§ 2750, 2751 Code Civ. Pro.)

**Twenty days** after the receipt by the executor or administrator of the proceeds of the sale or mortgage of such real property, he must pay same into the Surrogate's Court. (§ 2766 Code Civ. Pro.)

**Three years'** credit for not more than three-fourths of the purchase money in such sale may be allowed. (§ 2771 Code Civ. Pro.)

**One years'** credit, except in the city of New York, may be given by the administrator selling personal property. (§ 2717 Code Civ. Pro.)

**Of Property to Satisfy Lien.**

**Ten days** after service of a notice of sale of personal property to satisfy a lien thereon, the owner must pay the amount thereof. (Lien Law, § 81.)

**Once a week, for two weeks**, notice of the sale must be published (Id. § 82), or

**Ten days** before the sale, the notice must be posted. (Id. § 82.)

**Fifteen days** after the first publication, the sale shall take place. (Id. § 82.)

**Thirty days** after the sale of personal property to satisfy a lien thereon, the owner must demand the balance of the proceeds thereof. (Id. § 84.)

**Five years** thereafter, such proceeds must be paid into the general fund of the city, town or village. (Id. § 84.)

#### **In Foreclosure by Action.**

**Five days** after the proceeds of a sale are received surplus moneys must be paid to the county treasurer or chamberlain of New York city. (Rule 61, General Rules.)

**Two days'** notice of an application to stay the sale must be given to the plaintiff's attorney. (Rule 67, General Rules.)

#### **In Foreclosure by Advertisement.**

**Twelve weeks** in succession, once a week, immediately preceding the sale, the notice must be published. (§ 2388 Code Civ. Pro.)

**Eighty-four days** before the sale the notice must be posted. (§ 2388 Code Civ. Pro.)

**Eighty-four days** before the sale a copy of the notice must be delivered to the clerk of each county wherein any part of the property is situated. (§ 2388 Code Civ. Pro.)

**Fourteen days** before the sale a copy of the notice must be served upon the mortgagor, his wife, widow, executor or grantee. (§ 2389 Code Civ. Pro.)

**Twenty-eight days'** similar service is required if any of the last named persons are without the State. (§ 2389 Code Civ. Pro.)

**Fourteen days** before the sale a copy of the notice must be served personally on any other person (§ 2389 Code Civ. Pro.), but

**Twenty-eight days'** service on such person by mail is required. (§ 2389 Code Civ. Pro.)

**Once a week** until the time of the sale notice of postponement must be published. (§ 2392 Code Civ. Pro.)

### Under Execution.

**Six days'** notice of the sale of personal property must be given by posting notice thereof. (§ 1429 Code Civ. Pro.)

**Forty-two days** before the sale of real property notice thereof must be posted. (§§ 1434, 1678 Code Civ. Pro.)

**Three to six weeks** such notice must be published. (§§ 1434, 1678 Code Civ. Pro.)

**Four weeks** such sale may be adjourned. (§ 1678 Code Civ. Pro.)

**Ten days** after the sale the sheriff must file a certificate of sale with the clerk and deliver one to the purchaser. (§ 1439 Code Civ. Pro.)

**Twenty days** after the entry of a judgment declaring null and void the title of a purchaser of real property, the plaintiff in an action shall pay to the grantee or purchaser the money which was paid upon the sale with the proper costs. (§ 1440 Code Civ. Pro.)

**One year** after the sale the debtor or his heirs or grantees may redeem it. (§§ 1446, 1447, 1458, 1459 Code Civ. Pro.)

**Three months** thereafter a creditor of the debtor may redeem it. (§§ 1449, 1450 Code Civ. Pro.)

**Twenty-four hours** after redemption by one creditor a second creditor may redeem the first although fifteen months from the sale have elapsed. (§ 1454 Code Civ. Pro.)

**Fifteen months** after the sale, if no redemption has taken place, the sheriff must execute the proper deed to the party entitled to the property. (§ 1471 Code Civ. Pro.)

**Six days** before the sale of personal property, taken by a constable under an execution, notice thereof must be posted. (§ 3029 Code Civ. Pro.)

### For Taxes.

**Three years** after a tax or assessment on lands is confirmed, the same must be paid or the lands may be advertised for sale. (§ 1027 N. Y. City Charter.)

**Three months'** publication, once each week, of a notice of sale of real property for non-payment of taxes is required. (§ 1027 N. Y. City Charter.)

**Fifteen months** the sale may be postponed. (§ 1029 N. Y. City Charter.)

**Thirty days** after the sale of lands for taxes, the certificates of sale must be paid for. (§ 1030 N. Y. City Charter.)

**One year** after the purchase by the city of lands sold for taxes, the same may be assigned by the collector to any person paying therefor. (§ 1032 N. Y. City Charter.)

**Three months'** publication of a notice to owners of lands unclaimed after the expiration of the term for which the same were sold for taxes, must be given by the city before making improvements thereon. (§ 1035 N. Y. City Charter.)

**Sixty days** before the time to redeem property sold for taxes expires, the collector shall notify all mortgagees and other persons who have within **one month** theretofore filed with the comptroller a memorandum of the mortgage, etc. (§ 1036 N. Y. City Charter.)

**Two years** after the sale of lands for taxes, the mortgagee thereof may redeem the same. (§ 1040 N. Y. City Charter.)

**Two years** after the sale of lands for taxes, if the same are unredeemed, a lease will be executed to the purchaser (§ 1041 N. Y. City Charter), but

**Six months** prior thereto the notice to redeem must have been published. (§ 1041 N. Y. City Charter.)

**Six weeks'** publication, **twice** each week, of a notice of the expiration of time to redeem lands sold for taxes is required. (§ 1041 N. Y. City Charter.)

**Six months'** notice must be given to the occupant or owner of lands sold for taxes to redeem the same within said time. (§§ 1043, 1047 N. Y. City Charter.)



**One month** after the expiration of a lease of lands sold for taxes, the purchaser may remove all buildings erected thereon by him. (§ 1041 N. Y. City Charter.)

#### **For Water Rents.**

**Four years** after water rents are due, they must be paid or the lands charged therewith may be advertised for sale. (§ 1027 N. Y. City Charter.)

### **SCHEDULES.**

*See* ASSIGNMENT.

### **SEALED INSTRUMENT.**

**Twenty years** after the cause of action has accrued an action may be brought upon a sealed instrument. (§ 381 Code Civ. Pro.)

### **SEARCH WARRANT.**

*See* CRIMINAL ACTION.

### **SECURITY FOR COSTS.**

**Ten days** after notice of filing of undertaking, defendant must except to sureties. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Ten days** after exception, notice of justification must be given. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Five to ten days** after notice thereof, justification must be had. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3161 Code Civ. Pro.)

**At any time** court may compel new undertaking. (§ 3276 Code Civ. Pro.)

### SEDUCTION.

**Two years** after the cause of action accrues, an action to recover damages for seduction must be begun. (§ 384 Code Civ. Pro.)

### SENTENCE.

**Two days** at least after the verdict must be appointed by the court as the time for pronouncing sentence, if it intends to remain in session so long. (§ 472 Code Crim. Pro.)

### SEPARATION.

**One years'** residence within the State is required before parties married without the State can sue for separation. (§ 1763 Code Civ. Pro.)

**Three months** after the filing of the decision of the court or report of the referee, final judgment may be entered. (§ 1744 Code Civ. Pro.)

### SERVICE.

#### Upon Prisoner.

**Two days**, and no later, after a paper in an action or a special proceeding directed to a prisoner in his custody is lawfully served upon or delivered to a sheriff or jailer, he must deliver the same to the prisoner. (§ 131 Code Civ. Pro.)

#### Contract of.

**Fourteen days'** notice of an application to assign a contract of service or apprenticeship must be given. (§ 940 Code Crim. Pro.)

#### Action to Enforce Lien.

**Eight days** before the return day of the summons in an action brought to enforce a mechanic's lien in a court not of record, the same must be served. (§ 3404 Code Civ. Pro.)

**Once a week** for three successive weeks, a summons in an action brought to enforce a mechanic's lien in a court not of record may be published. (§ 3405 Code Civ. Pro.)

**Eight days** before the return thereof an order to show cause why a vessel should not be sold to satisfy a lien thereon must be served. (§ 3423 Code Civ. Pro.)

**Ten days** after the execution of a warrant to seize a vessel in an action to enforce a lien thereon, the order to show cause and copy of application must be served. (§ 3423 Code Civ. Pro.)

## SESSIONS.

*See* SPECIAL SESSIONS.

## SEWERS.

**Thirty days** after notification by the borough president, the petitioners for the construction of a lateral sewer shall pay to the comptroller the amount necessary to construct the same. (§ 400 N. Y. City Charter.)

## SHAM PLEADINGS.

*See* PLEADINGS.

## SHERIFF.

**One week** after a resolution of the board of supervisors, establishing or altering jail liberties, has been filed in the office of the county clerk, he must deliver an exemplified copy thereof to the keeper of the jail. (§ 148 Code Civ. Pro.)

**Twenty days'** notice must be given of a motion by a sheriff for a summary judgment upon an undertaking for the jail liberties. (§ 163 Code Civ. Pro.)

**Ten days** after service of a certificate of election of a sheriff upon the retiring sheriff the latter must turn over to the new sheriff the jail, the prisoners therein and all papers and mandates in his possession. (§ 184 Code Civ. Pro.)

## Action Against.

**Three years** after the cause of action accrues an action against a sheriff for the non-payment of money collected upon an execution must be begun. (§ 383 Code Civ. Pro.)

**One year** after the cause of action accrues an action against a sheriff upon a liability incurred by him in doing an official act or by the omission of an official duty, except the non-payment of money collected upon an execution, must be begun. (§ 385 Code Civ. Pro.)

### SLANDER.

**Two years** after the cause of action accrues, an action to recover damages for slander must be begun. (§ 384 Code Civ. Pro.)

### SPECIAL SESSIONS.

#### Certificate of Removal.

**Three days'** notice must be given to the complainant or district attorney of an application for a certificate removing an action from the Court of Special Sessions to the grand jury. (§ 57 Code Crim. Pro.)

**Five to ten days'** adjournment must be granted by the magistrate to allow a defendant to obtain a certificate of removal. (§ 58 Code Crim. Pro.)

**Six days** after a certificate of removal is filed with the magistrate he must make his return to the district attorney. (§ 57 Code Crim. Pro.)

**Two days'** notice must be given the district attorney of an application for a certificate of removal from Special Sessions to the grand jury. (§ 1409 N. Y. City Charter.)

**Ten days'** stay of all proceedings may be granted, pending an application for a certificate of removal from Special Sessions to the grand jury. (§ 1409 N. Y. City Charter.)

**Five days** after the filing of a certificate of removal from Special Sessions to the grand jury, the clerk shall make a return of all proceedings to the district attorney. (§ 1409 N. Y. City Charter.)

#### Proceedings.

**Twenty days** after a conviction the certificate thereof must be filed with the county clerk. (§ 723 Code Crim. Pro.)

**Thirty days** after the receipt of a fine by the court, or by a sheriff, the same must be paid to the supervisor of the town. (§§ 726, 727 Code Crim. Pro.)

**Thirty days** after the receipt of a fine by the court, or by the sheriff, the same must be paid to the comptroller of New York city. (§§ 746, 747 Code Crim. Pro.)

### **Appeals.**

**Sixty days** after judgment or commitment, an application for an allowance of appeal therefrom must be made. (§ 751 Code Crim. Pro.)

**Five days** after the allowance of the appeal, the affidavit and allowance must be filed with the magistrate. (§ 755 Code Crim. Pro.)

**Five days** after the allowance of an appeal from a judgment of Special Sessions, notice of the same must be served upon the district attorney. (§ 752 Code Crim. Pro.)

**Five days** after the filing of the undertaking on an appeal from Special Sessions, notice thereof must be served on the district attorney. (§ 754 Code Crim. Pro.)

**Ten days** after service of the allowance of appeal the magistrate must make his return. (§ 756 Code Crim. Pro.)

**Ten days** before the term of court an appeal must be noticed for argument. (§ 759 Code Crim. Pro.)

### **STATISTICS.**

**Ten days** after the adjournment of a criminal court of record the district attorney shall furnish the clerk of the court with a certified statement of all persons convicted thereat. (§ 941 Code Crim. Pro.)

### **STATUTES.**

**Six months** after a session of the Legislature a statute may be read in evidence from a newspaper designated to publish the same. (§ 932 Code Civ. Pro.)

## STATUTORY LIABILITY.

**Six years** after the cause of action accrues an action to recover upon a liability created by statute, except a penalty or forfeiture, must be begun. (§ 382 Code Civ. Pro.)

## STAY.

**Twenty days**, and no longer, except in cases where special provision is made by law, a judge out of court may stay proceedings in an action by order. (§ 775 Code Civ. Pro.)

**Ten days** before the term, at least, an order must be served in order to stay proceedings in the action, unless made in the First Judicial District, or at the term where such action is to be tried, or unless contained in an order to show cause returnable on the first day of such term. (Rule 37, General Rules.)

**Ten days** after service of an order granting costs, unless the order otherwise directs, they must be paid, or the proceedings are stayed. (§ 779 Code Civ. Pro.)

## Of Sale in Foreclosure.

**Two days'** notice of an application to stay the sale must be given to the plaintiff's attorney. (Rule 67, General Rules.)

## In Criminal Action.

**Ten days** after the granting of a certificate of stay must elapse before an appeal to the Appellate Division from a judgment in a criminal action can be brought on for argument. (§ 529 Code Crim. Pro.)

**Fifteen days** after the granting of a certificate of stay, the Court of Appeals must have been in session before the district attorney can apply for an order vacating the certificate. (§ 529 Code Crim. Pro.)

**Two days'** notice must be given by the district attorney of an application for an order vacating a certificate of stay. (§ 529 Code Crim. Pro.)

**Ten days'** stay of all proceedings may be granted, pending an application for a certificate of removal from Special Sessions to the grand jury. (§ 1409 N. Y. City Charter.)

### **In Municipal Court of New York.**

**Five days'** stay of execution or of proceedings may be granted by a justice of the Municipal Court of New York. (§ 1 Mun. Ct. Act.)

### **STOCKHOLDER.**

**Three years** after the cause of action accrues an action must be brought against a stockholder or director of a moneyed corporation or banking association to recover a penalty or forfeiture imposed, or to enforce a liability created by common law or by statute. (§ 394 Code Civ. Pro.)

### **STOLEN PROPERTY.**

**Six months** after the conviction of the person stealing it, property not claimed by the owner must be applied for the benefit of the poor. (§ 689 Code Crim. Pro.)

**Six months** after the conviction of a person for stealing property, the officer having the same in his custody, if it remains unclaimed, must deliver it to the property clerk. (§ 335 N. Y. City Charter.)

**Six months** thereafter the property clerk shall retain the same before selling it at auction (§ 335 N. Y. City Charter), and

**Ten days'** advertisement of the property is required. (§ 335 N. Y. City Charter.)

### **STRAYS.**

**Ten to twenty days** after the issuing of a precept directing the owner of a stray to show cause why it should not be sold, such precept must be returnable. (§ 3087 Code Civ. Pro.)

**Six days** before the return day thereof the precept must be personally served. (§ 3088 Code Civ. Pro.)

**Five days** before the return day thereof the precept must be served by posting. (§ 3088 Code Civ. Pro.)

**One hour** after the return time of the precept the justice must await the appearance of both parties. (§ 3089 Code Civ. Pro.)



**Ten to twenty days** after an order of sale is made the constable must hold the sale and make his return. (§ 3091 Code Civ. Pro.)

**Six days'** notice of sale must be posted by the constable. (§ 3091 Code Civ. Pro.)

**Ten days** after the return of the warrant any person may file a claim to the surplus of the proceeds of the sale. (§ 3093 Code Civ. Pro.)

**On the eleventh day** after the return, or on the next legal day thereafter, the justice must determine the claims. (§ 3093 Code Civ. Pro.)

**Thirty days'** adjournment of the hearing may be granted. (§ 3093 Code Civ. Pro.)

**One year** after the return of the warrant any person may file a claim to any part of the surplus still undistributed. (§ 3093 Code Civ. Pro.)

**One year** after the return of the warrant any surplus remaining must be paid over for the benefit of the poor. (§ 3094 Code Civ. Pro.)

**Ten days** after the year has expired the justice must finally determine all claims to the surplus before him. (§ 3094 Code Civ. Pro.)

**Ten days** after an order determining a claim is made an appeal therefrom must be taken. (§ 3095 Code Civ. Pro.)

**Three days** before the sale, and at any time after the final order, the owner of a stray may demand possession upon complying with certain requirements. (§ 3101 Code Civ. Pro.)

**Ten days** after a final order upon a petition is made an appeal must be taken. (§ 3104 Code Civ. Pro.)

**Three days'** adjournment of a hearing to determine the amount due on an undertaking may be had. (§ 3106 Code Civ. Pro.)

**STREETS.****Relaying Pavement.**

**Five days** after a notice to properly relay a pavement is served by the borough president, he may cause such pavement to be relaid by the city. (§ 391 N. Y. City Charter.)

**Grade of.**

**Twenty years'** use of a street will establish, as the grade thereof, the level or surface of the street as used. (§ 441 N. Y. City Charter.)

**Ten days'** notice, by publication, must be given of a hearing upon a proposal by the board of estimate and apportionment to change the map or plan of the city or to change the grade of a street. (§ 442 N. Y. City Charter.)

**Ten days'** notice, by publication, is required to be given to all persons affected by the change of grade of a street. (§ 951 N. Y. City Charter.)

**Four months** after the confirmation of an assessment for a local improvement, including awards made for the change of grade of a street, the awards must be paid. (§ 953 N. Y. City Charter.)

**Property Found in.**

**Ten to twenty days** after the issuing of the precept, cause must be shown before a justice of the Municipal Court why property found in the streets by the commissioner of street cleaning should not be sold. (§ 545 N. Y. City Charter.)

**Three days** after issuing, a copy of the precept must be posted. (§ 545 N. Y. City Charter.)

**Five days** after issuing, and **three days** before the return day, a brief abstract of the precept must be published. (§ 545 N. Y. City Charter.)

**Three days** before the sale, a notice thereof must be published. (§ 545 N. Y. City Charter.)

**Opening of.**

**Ten days'** publication of notice of an application to open a street is required. (§ 973 N. Y. City Charter.)

**Ten days'** publication of notice of the appointment of commissioners in proceedings to open a street is required. (§ 973 N. Y. City Charter.)

**Ten days'** publication of notice of amendment of the proceedings to open a street is required. (§ 974 N. Y. City Charter.)

**Ten days** after the appointment of a commissioner in proceedings to open a street, he must qualify. (§ 975 N. Y. City Charter.)

**Twenty days** after notice, all persons desiring to be heard in a proceeding to open a street, must file their claims with the commissioners. (§ 978 N. Y. City Charter.)

**Thirty days** before the report of the commissioners in proceedings to open a street is presented for confirmation, an abstract thereof shall be filed in the bureau of street openings. (§ 981 N. Y. City Charter.)

**Fifteen days'** publication of notice of intention to present the report for confirmation is required. (§ 981 N. Y. City Charter.)

**Twenty days** after the first publication, objections to the report must be filed. (§ 981 N. Y. City Charter.)

**Ten days'** publication of notice of amendment of the report is required. (§ 981 N. Y. City Charter.)

**Five days** before the time set for presentation of the report for confirmation, the same shall be filed in the office of the county clerk. (§ 984 N. Y. City Charter.)

**Sixty days** after the decision of the Appellate Division on an appeal from an order confirming the report, an appeal may be taken to the Court of Appeals. (§ 989 N. Y. City Charter.)

**Six months** after the filing of the oaths of the commissioners the title to lands having buildings thereon shall, by resolution of the board of estimate and apportionment, vest in the city. (§ 990 N. Y. City Charter.)

**Six months** after their appointment, the commissioners shall complete the proceedings, unless an extension of time is granted by the court. (§ 991 N. Y. City Charter.)

**Five days'** notice of the application for such extension must be given to interested parties. (§ 991 N. Y. City Charter.)

**Sixty days** after delivery to the corporation counsel of conveyances by the owners of lands taken for streets he shall cause the same to be properly recorded. (§ 992 N. Y. City Charter.)

**Ten days** before the taxation thereof a bill of charges and expenses for services performed in the opening of streets must be filed with the county clerk. (§ 999 N. Y. City Charter.)

**Ten days'** notice of such taxation must be published. (§ 999 N. Y. City Charter.)

**Ten days'** notice must be given of the taxation of disbursements where a proceeding to open a street has been discontinued. (§ 1000 N. Y. City Charter.)

**Thirty days** after a demand is made for the payment of awards and expenses, etc., the court may direct the comptroller to pay the amounts. (§ 1001 N. Y. City Charter.)

**Six months** after the confirmation of the report, interest shall cease to run on sums awarded as damages unless within that time demand therefor be made upon the comptroller. (§ 1001 N. Y. City Charter.)

**One year** after the title to the property taken vests in the city, interest begins to run on sums remaining unpaid to the persons entitled thereto, unless the same is paid into court. (§ 1002 N. Y. City Charter.)

**Ten days'** public notice, by advertisement, shall be given by the comptroller of the confirmation of an assessment for a street opening, the publication to be begun within **ten days** after the receipt by the comptroller of the order of confirmation. (§ 1005 N. Y. City Charter.)

**Sixty days** after the entry of an assessment for a street opening, interest begins to run if the same is unpaid. (§ 1006 N. Y. City Charter.)

**Ten days** after the entry of an order appointing commissioners, a copy thereof shall be filed in the office of the register or clerk of the county where the land to be acquired is located. (§ 1011 N. Y. City Charter.)

### SUBPOENA.

**Five days** before the witness is required to attend, a subpoena duces tecum must be served upon him. (§ 867 Code Civ. Pro.)

**Two days** before the day on which the witness is commanded to appear before a commissioner appointed to take testimony for use without the State, the subpoena must be served upon him (Rule 17, General Rules), **but**

**Five days'** service is required where the witness is commanded to produce books or papers. (Rule 17, General Rules.)

### SUBSTITUTION.

**Thirty days** must elapse, after notice to appoint another attorney has been given to a party whose attorney has died or become disabled before further proceedings against such party shall be taken in the action. (§ 65 Code Civ. Pro.)

### SUMMARY PROCEEDINGS.

#### Notice to Quit.

**Three days'** notice to quit must be given a tenant in default of rent or taxes. (§ 2231 Code Civ. Pro.)

**Ten days'** notice must be given in certain other cases. (§§ 2232, 2236 Code Civ. Pro.)

#### Bawdy-House.

**Five days** after the receipt of a notice that his house is used as a bawdy-house, the landlord must begin summary proceedings. (§ 2237 Code Civ. Pro.)

#### Proceedings before Court.

**Three to five days** after issuance the precept must be returnable. (§ 2238 Code Civ. Pro.)

**Two days** before the return day it must be served. (§ 2240 Code Civ. Pro.)

**On same day** it can be made returnable if issued on the day the tenant's term expires or the day after (§ 2238 Code Civ. Pro.), and

**Two hours** before the return hour it must be served in such case. (§ 2240 Code Civ. Pro.)

**Three days** from return day the hearing can be adjourned for summoning a jury. (§ 2247 Code Civ. Pro.)

**Ten days'** adjournment may be granted when issue is joined unless the parties consent to a longer time. (§ 2248 Code Civ. Pro.)

#### **Undertaking to Stay Warrant.**

**Ten days'** time in which to pay back rent or taxes can be secured by a tenant against whom a final order has been made by giving an undertaking to that effect. (§ 2254 Code Civ. Pro.)

**Six months'** undertaking may be given by a tenant against whom a final order is made for retaining possession of property sold under execution. (§ 2254 Code Civ. Pro.)

#### **Redemption.**

**One year** after the issuing of the warrant the tenant may redeem, where the unexpired term of the lease exceeds **five years**. (§ 2256 Code Civ. Pro.)

**The next legal day** after the expiration of such year a judgment creditor or mortgagee of the tenant may redeem. (§ 2257 Code Civ. Pro.)

**Two to ten days** after an order to show cause why a petition to redeem should not be granted is made, it must be returnable. (§ 2259 Code Civ. Pro.)

**Two days** before the return day such order must be served. (§ 2259 Code Civ. Pro.)

## SUMMONS.

### Publication and Service.

**Three months** after the order is granted, the first publication of the summons or the service upon the defendant without the State, must be made. (§ 441 Code Civ. Pro.)

**Six weeks'** publication, at least, is required as a substitute for personal service of a summons. (§ 440 Code Civ. Pro.)

**Six months'** absence from the United States by a resident of the State will entitle a plaintiff to an order allowing service without the State, or by publication where the absentee has designated no one to be served for him. (§ 438 Code Civ. Pro.)

**Ten days** after an order has been granted allowing other than personal service of summons, the order must be filed and the service made, or the order becomes inoperative. (§ 437 Code Civ. Pro.)

**Three years** is the limit of time during which a designation, by a resident of the State of another resident upon whom to serve papers during his absence, remains in force, when no period has been specified in the designation. (§ 430 Code Civ. Pro.)

### Limitation of Action.

**Sixty days** from the delivery of a summons to an officer for service is the limit of time within which such summons may be served or published, where the time limited for commencing the action has expired since such delivery. (§ 399 Code Civ. Pro.)

### Filing of.

**Ten days** after service each pleading must be filed with the clerk. (§ 824 Code Civ. Pro.)

### Appearance of Defendant.

**Twenty days** after the summons is served the defendant must appear. (§ 421 Code Civ. Pro.)

**At any time** before judgment, where the summons was served by publication, the defendant may appear. (§ 445 Code Civ. Pro.)



**One year** after personal service of a notice of judgment except in certain cases, a defendant not personally served with the summons may be allowed to defend. (§ 445 Code Civ. Pro.)

**Seven years** after filing of the judgment-roll, where no notice of judgment was personally served, the defendant may be allowed to defend. (§ 445 Code Civ. Pro.)

**Twenty days** after service of the summons is made, otherwise than personally, the plaintiff may apply to the court for judgment if the defendant has not appeared. (§ 1216 Code Civ. Pro.)

#### **Guardian ad litem.**

**Twenty days** after personal service of the summons upon an infant over fourteen years of age he may apply personally for the appointment of a guardian **ad litem**. (§ 471 Code Civ. Pro.)

**Twenty days** after the service of the summons upon a guardian **ad litem** for an infant defendant without the State is the time allowed such guardian to appear or answer. (§ 473 Code Civ. Pro.)

#### **In Foreclosure.**

**Sixty days** after filing the **lis pendens** the summons must be served or the publication thereof commenced. (§ 1670 Code Civ. Pro.)

#### **Action to Enforce Lien.**

**Twelve to twenty days** after the date thereof, or after the day of the last publication thereof, a summons, in an action brought to enforce a mechanic's lien in a court not of record, must be returnable. (§ 3404 Code Civ. Pro.)

**Eight days** before the return day of the summons in an action brought to enforce a mechanic's lien in a court not of record, the same must be served. (§ 3404 Code Civ. Pro.)

**Once a week** for three successive weeks, a summons in an action brought to enforce a mechanic's lien in a court not of record may be published. (§ 3405 Code Civ. Pro.)

**Attachment.**

**Six months'** absence from the United States next before the granting of the order of publication of the summons against him by an adult defendant resident of the State who has made no designation of another to be served in his absence, is ground for a warrant of attachment against his property. (§ 636 Code Civ. Pro.)

**Thirty days** after granting of the warrant service of the summons must be made personally or commenced by publication. (§ 630 Code Civ. Pro.)

**Replevin.**

**Three months** after the delivery of the chattel to the plaintiff the summons in an action against the sheriff must be issued (§ 1710 Code Civ. Pro.), and

**Three months** after issuing the summons it must be served. (§ 1710 Code Civ. Pro.)

**City Court of New York.**

**Six days** after the summons is served the defendant must appear. (§ 3165 Code Civ. Pro.)

**Ten days** after service of summons without the city of New York or by publication, the defendant must appear. (§ 3165 Code Civ. Pro.)

**Two days** after the service of the summons, where some of the parties reside without the city, the defendant may be required to appear by order of the court. (§ 3165 Code Civ. Pro.)

**Six weeks'** publication of a summons must be made at least once a week where a warrant of attachment has been issued. (§ 3170 Code Civ. Pro.)

**Thirty days** after the granting of the warrant the summons must be personally served or the first publication thereof begun. (§ 3170 Code Civ. Pro.)

### Municipal Court of New York.

**Twelve days** at most, after the date thereof, a summons of the Municipal Court of New York must be made returnable. (§ 37 Mun. Ct. Act.)

**Six days** before the return day thereof, a summons of the Municipal Court of New York must be served. (§ 37 Mun. Ct. Act.)

**Six days** before the return day of the summons, an order for the service thereof must be filed and the summons must be served in the Municipal Court of New York. (§ 34 Mun. Ct. Act.)

**One day** before the return day of the summons, the same must be returned and the trial fee paid to entitle the cause to a place on the calendar. (Rule 4, N. Y. Municipal Court.)

**Six months** after personal service of written notice thereof, a defendant served with the summons by order, in the Municipal Court of New York, can defend upon terms (§ 35 Mun. Ct. Act), or

**Two years** after the entry of judgment he may so defend, if such notice has not been served. (§ 35 Mun. Ct. Act.)

### In Justice's Court.

**Six to twelve days** after the date of issue the summons must be made returnable. (§ 2877 Code Civ. Pro.)

**Six days** before the return day the summons must be served. (§ 2878 Code Civ. Pro.)

**Thirty days** before the issuing of a summons, a domestic railroad corporation, express company or insurance company must have filed a designation of a person residing in the county upon whom a justice's process may be served, or service may be made upon any agent in the county. (§§ 2880, 2881 Code Civ. Pro.)

**Twenty days** after the issuing of a summons not served a second summons may be issued. (§ 2883 Code Civ. Pro.)

**Twenty days** after the issuing of the second summons a third summons may be issued. (§ 2883 Code Civ. Pro.)

*in case of  
defendant  
§ 34  
§ 35*

**Six days** before the return day of the summons the attachment must be executed. (§§ 2907, 2909 Code Civ. Pro.)

**Six days** before the return day of the summons the warrant, inventory and summons must be served upon the defendant. (§ 2910 Code Civ. Pro.)

**Six days** before the return day of the summons the replevy must be made. (§ 2921 Code Civ. Pro.)

**Six days** before the return day of the summons the constable must serve the summons, affidavit and requisition. (§ 2922 Code Civ. Pro.)

**Three months** after the issuing of the summons it must be served. (§ 2929 Code Civ. Pro.)

### SUPPLEMENTARY PROCEEDINGS.

**Ten years** after the return of an execution such proceedings may be instituted. (§ 2435 Code Civ. Pro.)

**Sixty days'** earnings immediately preceding the institution of the special proceeding are exempt. (§ 2463 Code Civ. Pro.)

**Two days'** notice of an application for the appointment of a receiver must be given; but such application may be made without notice on the return day of a warrant or order to attend. (§ 2464 Code Civ. Pro.)

**Thirty days** after a receiver ceases to be a resident of the State the judgment creditor may apply for the appointment of another in his place. (§ 2469 Code Civ. Pro.)

**Three days** after granting the same, an order to punish for contempt in supplementary proceedings instituted in the City Court of New York must be returnable. (Rule 16, N. Y. City Court.)

### SURETIES.

#### Release of.

**Five days'** notice must be given by surety to principal of application of former to be relieved from liability on bond. (§ 812 Code Civ. Pro.)

**Ten days'** notice of an application by the surety upon his bond to be relieved from liability must be given a trustee, committee or guardian. (Laws 1881, ch. 654, § 3.)

#### **Undertaking on Arrest.**

**Three days** after bail is given, the sheriff must deliver to the plaintiff's attorney copies of the order of arrest, return and undertaking. (§ 577 Code Civ. Pro.)

**Ten days** after the receipt thereof by the plaintiff he may except to the sureties. (§ 577 Code Civ. Pro.)

**Ten days** after receipt of the notice of exception the sheriff must give notice of justification. (§ 578 Code Civ. Pro.)

**Five to ten days** thereafter the sureties must justify. (§ 578 Code Civ. Pro.)

**From time to time** the examination of the sureties may be adjourned. (§ 580 Code Civ. Pro.)

#### **Undertaking in Attachment.**

**Three days** after service of an undertaking on a motion to discharge an attachment, plaintiff must except to the sureties. (§ 690 Code Civ. Pro.)

**Ten days** after service of the notice of exception, defendant must give notice of justification. (§ 690 Code Civ. Pro.)

**Five to ten days** after last named notice, hearing must be had. (§ 690 Code Civ. Pro.)

**Two days** after receiving the bond of indemnity the sheriff must serve notice of justification of sureties. (§ 658 Code Civ. Pro.)

**Two to five days** thereafter the sureties must justify. (§ 658 Code Civ. Pro.)

#### **Undertaking in Replevin.**

**Three days** after a chattel is replevied the defendant may except to the sureties on the undertaking. (§ 1703 Code Civ. Pro.)

**Ten days** after such exception plaintiff must serve notice of justification. (§ 1703 Code Civ. Pro.)

**Three days** after a chattel is replevied the defendant may serve a notice and undertaking requiring a return of the chattel. (§ 1704 Code Civ. Pro.)

**Three days** thereafter defendant must serve notice of justification of the sureties to the undertaking. (§ 1704 Code Civ. Pro.)

**Five to ten days** after service of the notice thereof justification must be had. (§ 1705 Code Civ. Pro.)

### **Judgment Creditor's Action.**

**Ten days'** notice of the justification of the sureties to an undertaking given by the defendant to release real estate must be given. (§ 1674 Code Civ. Pro.)

### **Bond of Indemnity.**

**Two days** after receiving a bond of indemnity the officer must serve notice of justification to be had **two to five days** later. (§ 1419 Code Civ. Pro.)

### **Bond to Discharge Lien.**

**Five days'** notice of justification of sureties on a bond given to discharge a lien is required. (Lien Law, §§ 18, 20.)

### **Receiver's Bond.**

**Eight days** before the accounting the receiver must give notice of the same to the sureties on his bond. (§ 715 Code Civ. Pro.)

### **Security for Costs.**

**Ten days** after notice of filing of undertaking, defendant must except to sureties. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Ten days** after exception, notice of justification must be given. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3168 Code Civ. Pro.)

**Five to ten days** after notice thereof, justification must be had. (§ 3274 Code Civ. Pro.)

**Two days'** time is allowed in City Court. (§ 3161 Code Civ. Pro.)

#### **Undertaking on Appeal to Court of Appeals.**

**Ten days** after service of a copy of the undertaking with notice of filing thereof on the appellant's attorney, the latter can except to the sufficiency of the sureties. (§ 1335 Code Civ. Pro.)

**Ten days** after service of such notice of exception the sureties must justify. (§ 1335 Code Civ. Pro.)

**Five days'** notice of justification must be given. (§ 1335 Code Civ. Pro.)

#### **New York Surrogates' Court.**

**Five days'** notice must be given of the examination of sureties on a bond executed by an executor, administrator, guardian or trustee (Rule 17, N. Y. Surrogates' Court), **and**

**Five days** after the service of an order to that effect, new sureties must be substituted. (Rule 17, N. Y. Surrogates' Court.)

**Ten days** after the filing of the undertaking on appeal from the Surrogates' Court of New York, the respondent may except to the sureties. (Rule 16, N. Y. Surrogates' Court.)

**Ten days** thereafter the sureties must justify. (Rule 16, N. Y. Surrogates' Court.)

**Five days'** notice of such justification must be given. (Rule 16, N. Y. Surrogates' Court.)

#### **City Court of New York.**

**Two days'** notice of justification of sureties on an undertaking given as security for the defendant's costs, must be given. (§§ 3161, 3168 Code Civ. Pro.)

**Two days'** notice of exception to the sureties in such case must be given. (§ 3168 Code Civ. Pro.)



**Two to ten days'** notice of the justification of bail must be given. (§ 3161 Code Civ. Pro.)

**Five days** after the delivery to the plaintiff's attorney of the order of arrest, return and undertaking, he must except to the sureties. (§ 3168 Code Civ. Pro.)

**Five days** thereafter notice of justification must be given. (§ 3168 Code Civ. Pro.)

**Two to ten days'** notice of justification must be given. (§ 3161 Code Civ. Pro.)

### Justice's Court.

**Two days** before the return day the defendant may except to the plaintiff's sureties in replevin. (§ 2924 Code Civ. Pro.)

**Ten days** after service of a copy of an undertaking on appeal the defendant may except to the sureties. (§ 3050 Code Civ. Pro.)

**Ten days** thereafter the sureties must justify. (§ 3050 Code Civ. Pro.)

**Five days'** notice of the justification must be given. (§ 3050 Code Civ. Pro.)

### Municipal Court of New York.

**Two days'** notice of justification of sureties on an undertaking given to discharge an attachment must be given. (Rule 16, N. Y. Municipal Court.)

**Two days** before the return day of the summons, the defendant may except to the plaintiff's sureties in an action in replevin. (§ 106 Mun. Ct. Act.)

**One day** only, except by consent, may the examination of sureties on a bond in replevin, be adjourned. (§ 109 Mun. Ct. Act.)

**Five days** after the service of the undertaking in an appeal from the Municipal Court of New York, the respondent may except to the sureties (§ 315 Mun. Ct. Act.), and

**Five days** thereafter the sureties must justify (§ 315 Mun. Ct. Act.), and

**Three days'** notice of the justification must be given. (§ 315 Mun. Ct. Act.)

**Eight days'** notice of motion for leave to prosecute the official bond of a marshal of the Municipal Court of New York must be given to the marshal and his sureties. (§ 295 Mun. Ct. Act.)

### **SURPLUS MONEYS.**

#### **Foreclosure by Action.**

**Three months** after surplus is paid into court it may be invested, if unclaimed, by order of the court. (§ 1633 Code Civ. Pro.)

**Five days** after the proceeds of a sale are received surplus moneys must be paid to the county treasurer or chamberlain of New York city. (Rule 61, General Rules.)

#### **Foreclosure by Advertisement.**

**Ten days** after the receipt of any money from the sale the surplus must be paid into court. (§ 2404 Code Civ. Pro.)

**Twenty days** after the sale any party entitled to a part of the surplus may petition the court therefor. (§ 2406 Code Civ. Pro.)

**Eight days'** notice of such application must be given to other petitioners and to each person served with a notice of sale. (§ 2406 Code Civ. Pro.)

### **SURROGATE'S COURT.**

#### **Citations.**

**Sixty days** after the presentation of the petition a citation issued thereupon must be served or the first publication thereof be made. (§ 2517 Code Civ. Pro.)

**Four months** from the issuance thereof a citation must be made returnable. (§ 2519 Code Civ. Pro.)

**Eight days** before the return day a citation must be served in the county or an adjoining county. (§ 2520 Code Civ. Pro.)

**Fifteen days** before the return day it must be served in any other county. (§ 2520 Code Civ. Pro.)

**Ten days** after an order of the surrogate allowing other than personal service upon a resident of the State, such service must be made. (§ 2521 Code Civ. Pro.)

**Six weeks** in succession, once a week, a citation against a non-resident or one whose address is not known, must be published. (§ 2524 Code Civ. Pro.)

**Thirty days** before the return day of the citation service personally or by mail must be made without the State, but within the United States (§ 2525 Code Civ. Pro.), **but**

**Forty days** before the return day such service must be made without the United States. (§ 2525 Code Civ. Pro.)

### **Probate Proceedings.**

**Five days** after objections to probate are filed the proponents shall apply for an order fixing the time of hearing. (Rule 4, N. Y. Surrogates' Court.)

**Four days'** notice of such hearing is required. (Rule 4, N. Y. Surrogates' Court.)

**Two days'** notice of taking testimony of witnesses to a will must be given the probate clerk. (Rule 4, N. Y. Surrogates' Court.)

**Two days** before the return day of the citation the will must be filed. (Rule 4, N. Y. Surrogates' Court.)

### **Revocation of Probate.**

**One year** after probate a petition to revoke the same must be presented. (§ 2648 Code Civ. Pro.)

**Three weeks** in succession notice of the revocation must be published. (§ 2653 Code Civ. Pro.)

**Two years** after a will has been admitted to probate or after the disability of a contestant has been removed, an action to determine the validity thereof must be commenced. (§ 2653a Code Civ. Pro.)

### Granting of Letters.

**Four weeks'** publication of notice to creditors to present their claims must be made in order that the penalty of the bond to be given by the administrator need not exceed double the amount of such claims. (§ 2664 Code Civ. Pro.)

**Thirty days** at least after the first publication such claims must be presented. (§ 2664 Code Civ. Pro.)

**Thirty days** after the filing of an affidavit objecting to an executor or administrator the surrogate must stay the granting of letters. (§ 2636 Code Civ. Pro.)

**Thirty days** after probate the appointee of a power must appoint an executor. (§ 2640 Code Civ. Pro.)

**Five days** after such selection is made the issuing of letters must be delayed. (§ 2640 Code Civ. Pro.)

**Five days** after such selection is made objections to such appointment must be filed. (§ 2641 Code Civ. Pro.)

**Thirty days** after probate or appointment an executor must qualify. (§ 2642 Code Civ. Pro.)

**Five days** after objections filed against him are determined in his favor the executor must qualify. (§ 2642 Code Civ. Pro.)

### Revocation of Letters.

**Thirty days** after an executor or an administrator has been committed to jail by reason of his default in returning an inventory the surrogate may revoke his letters. (§ 2691 Code Civ. Pro.)

### Bond of Executor or Administrator.

**Five days'** notice must be given of the examination of sureties on a bond executed by an executor, administrator, guardian or trustee (Rule 17, N. Y. Surrogates' Court), and

**Five days** after the service of an order to that effect, new sureties must be substituted. (Rule 17, N. Y. Surrogates' Court.)

**Five days** after an order is entered compelling the principal to furnish new sureties upon the application of an interested party the principal must do so. (§§ 2598, 2601 Code Civ. Pro.)

**Five days** after the return of a citation issued upon the application of a surety to be released from liability the surrogate must order him so released. (§ 2601 Code Civ. Pro.)

**Twenty days** after the surrogate has released the surety and ordered the principal to file his account, the account must be filed or the letters revoked. (§ 2601 Code Civ. Pro.)

### **Advertisement for Creditors.**

**Six months'** publication, once a week, of a notice to creditors to present their claims on a day at least six months after the first day of publication, must be made by the executor or administrator. (§ 2718 Code Civ. Pro.)

**Six months** from the first publication of such notice a creditor must present his claim or the administrator will not be responsible for payment of any just debts made before such presentation. (§ 2718 Code Civ. Pro.)

### **Appraisement of Estate.**

**Five days'** notice of an appraisement of personal property must be given by the administrator to all legatees and next of kin. (§ 2711 Code Civ. Pro.)

**Two months** after the discovery of any property not mentioned in inventory the executor must appraise it and return inventory thereof. (§ 2714 Code Civ. Pro.)

**Three months** after letters are granted the inventory must be filed. (§ 2715 Code Civ. Pro.)

### **Temporary Administrator.**

**Two to ten days'** notice of an application for the appointment of a temporary administrator must be given to each party interested in the proceedings. (§ 2670 Code Civ. Pro.)

**Two to ten days'** notice of a motion for an order to sell personal property must be given by a temporary administrator to all parties who have appeared. (§ 2672 Code Civ. Pro.)

**Six months** after letters were issued, a temporary administrator may publish a notice requiring creditors to present their claims. (§ 2673 Code Civ. Pro.)

**One year** after letters were issued the surrogate, upon application of the temporary administrator or a creditor, may make an order that the temporary administrator pay decedent's debts. (§ 2674 Code Civ. Pro.)

**One year's** lease of property may be made by the temporary administrator by order of the surrogate. (§ 2675 Code Civ. Pro.)

**Ten days** after any money belonging to the estate comes into his hands the temporary administrator must deposit it as required by law. (§ 2678 Code Civ. Pro.)

**Three days** after issuing an order in New York county directing the administrator to make such deposit it must be made returnable (§ 2679 Code Civ. Pro.), **and**

**Two days** before the return day such order must be served. (§ 2679 Code Civ. Pro.)

**Fifteen days** after issuing an order in any other county directing the administrator to make such deposit it must be made returnable (§ 2679 Code Civ. Pro.), **and**

**Ten days** before the return day such order must be served. (§ 2679 Code Civ. Pro.)

**Two days'** notice of an application for an order allowing money so deposited to be withdrawn must be given to all parties. (§ 2680 Code Civ. Pro.)

**At any time** a judicial settlement of the accounts of the temporary administrator may be compelled. (§ 2725 Code Civ. Pro.)

#### **County Treasurer as Administrator.**

**Ten days** after the county treasurer takes charge of the property he must return an inventory thereof to the surrogate. (§ 2665 Code Civ. Pro.)

**Ten days** longer such time for making the return may be extended by the surrogate. (§ 2665 Code Civ. Pro.)

**Three months'** publication of an order of the surrogate for persons claiming the right of administration to appear must be made. (§ 2666 Code Civ. Pro.)



**Six months** at least after the first publication such claims must be interposed. (§ 2666 Code Civ. Pro.)

**Ten days'** notice of any such claim must be served on the county treasurer. (§ 2666 Code Civ. Pro.)

**Once each year** the county treasurer must render an account to the comptroller of his proceedings in respect to any estate which he has administered. (§ 2668 Code Civ. Pro.)

**Three weeks'** publication of such account or statement must be made. (§ 2668 Code Civ. Pro.)

### **Sale of Property and Payment of Debts.**

**Six months** after letters are issued a creditor may petition for the payment of his claim. (§ 2722 Code Civ. Pro.)

**Six months** after the rejection of a claim by an administrator or executor if it is then due, or if not, **six months** after a part of it becomes due, an action thereupon must be commenced. (§ 1822 Code Civ. Pro.)

**Three years** after letters are issued or after the final determination in favor of an executor, administrator or creditor in an action to recover any real estate of the deceased, such executor, administrator or creditor may petition to have the real property sold to pay the decedent's debts. (§§ 2750, 2751 Code Civ. Pro.)

**Twenty days** after the receipt by the executor or administrator of the proceeds of the sale or mortgage of such real property, he must pay same into the Surrogate's Court. (§ 2766 Code Civ. Pro.)

**Three years'** credit for not more than **three-fourths** of the purchase-money in such sale may be allowed. (§ 2771 Code Civ. Pro.)

**One year's** credit, except in the city of New York, may be given by the administrator selling **personal** property. (§ 2717 Code Civ. Pro.)

### **Payment of Legacies.**

**One year** after the granting of letters the administrator may pay the legacies, but not before, unless by order of the court. (§ 2721 Code Civ. Pro.)



**One year** after letters are issued a legatee or devisee may petition for the payment of his claim. (§ 2722 Code Civ. Pro.)

**One year** after the granting of letters an action may be brought against an administrator or executor to compel him to pay a legacy. (§ 1819 Code Civ. Pro.)

### **Accounting.**

**At any time**, an executor or administrator may voluntarily file in the surrogate's office an intermediate account. (§ 2725 Code Civ. Pro.)

**Eighteen months** after letters are issued, or on the return of a citation issued on the petition of a creditor or legatee for payment of debts or legacy, or when application has been made to have execution issued against the estate, the surrogate may compel an intermediate account. (§ 2725 Code Civ. Pro.)

**One year** after letters are issued or where the administrator's powers have ceased, or where he has disposed of real property under a decree, the surrogate may compel a judicial settlement of the accounts upon the petition of a creditor or person interested in the estate. (§ 2726 Code Civ. Pro.)

**Eighteen months** after letters were issued such a petition presented on the ground of the lapse of time only may be denied by the court. (§ 2727 Code Civ. Pro.)

**One year** after letters were issued or where notice to creditors has been duly served, the executor or administrator may apply to have his accounts judicially settled. (§ 2728 Code Civ. Pro.)

**One year** after probate or when the trusts have been executed a **testamentary trustee** may apply to have his accounts judicially settled. (§ 2810 Code Civ. Pro.)

**One year** after probate or where the powers of the trustees have ceased, or where the trusts have been executed, the court may compel a judicial settlement of the trustees' account. (§ 2807 Code Civ. Pro.)

**Eight days** after the return of the citation on the filing of the account objections thereto must be taken. (Rule 7, N. Y. Surrogates' Court.)

**Two years** after a decree is entered settling the accounts of an administrator or executor he must turn over all unpaid legacies to the county treasurer. (§ 2748 Code Civ. Pro.)

### Probate of Heirship.

**Ten years** after a decree is entered establishing the right of inheritance a petition by an outside party showing that he has a right in the property which was injured by the decree must be presented. (§ 2658 Code Civ. Pro.)

### Real Property.

**Four years** after death a will devising real property must be admitted to probate or be established in order to affect the title of an heir at law or his grantee to the property; unless at the time of testator's death the devisee was an infant, or insane or imprisoned on a criminal charge, or without the State, or unless the will was concealed, in which case one year after the devisee's disability is removed or the will delivered, such limitation begins to run. (§ 2628 Code Civ. Pro.)

**Four years** after the death of the decedent letters must be issued in order that a sale of his real property by his administrator should take precedence over a sale by one of his heirs. (§ 2777 Code Civ. Pro.)

**Twenty-five years** after the sale of real property, where the surrogate's records have been removed, the appointment of a guardian for each infant party at the time of the sale is presumed. (§ 2785 Code Civ. Pro.)

**Six weeks'** publication of the notice of distribution of the proceeds of the sale, mortgage or lease of real property must be made. (§ 2787 Code Civ. Pro.)

**Thirty days** after the proceeds of a sale of real property to satisfy a mortgage or other lease thereupon are received the surplus must be paid into the Surrogate's Court. (§ 2798 Code Civ. Pro.)

**Four weeks'** publication of a citation to show cause why a decree should not be made distributing such surplus must be made. (§ 2799 Code Civ. Pro.)

### **Guardians.**

**Eight days'** notice of an application for the appointment of a special guardian must be given. (§ 2531 Code Civ. Pro.)

**Ten days** before the return day of a citation issued to the father of an applicant for the appointment of a general guardian, service thereof must be made. (§ 2823 Code Civ. Pro.)

**Thirty days** after a will appointing a guardian is admitted to probate the guardian must qualify (§ 2852 Code Civ. Pro.), **but**

**Three months** the surrogate may extend such time. (§ 2852 Code Civ. Pro.)

**Ninety days** at least the surrogate must stay the qualification when an objection is made to the guardian by the affidavit of an interested person. (§ 2852 Code Civ. Pro.)

**Three months** after the death of the grantor in a deed appointing a guardian of an infant, if the deed is not recorded, the person appointed is deemed to have renounced the appointment. (§ 2851 Code Civ. Pro.)

**Two days'** notice of a settlement of accounts must be given a guardian. (Rule 11, N. Y. Surrogates' Court.)

**Three months** after service of an order to that effect the guardian must file or amend his account. (Rule 21, N. Y. Surrogates' Court.)

### **Referee in Special Proceeding.**

**Ninety days** after the referee has submitted his report the surrogate must pass upon it. (§ 2546 Code Civ. Pro.)

**Two days'** notice of application to confirm a referee's report not acted upon by the surrogate must be given. (§ 2546 Code Civ. Pro.)

**Eight days** after service of a copy of a referee's report objections thereto must be filed. (Rule 8, N. Y. Surrogates' Court.)

**Eight days'** notice of hearing of such objections must be given. (Rule 8, N. Y. Surrogates' Court.)

#### **Trial of Special Proceeding by Jury in Supreme Court.**

**Ten days** after verdict is rendered a motion for a new trial must be made (§ 2547 Code Civ. Pro.), and

**Ten days** after an order granting or refusing a new trial is made a notice of appeal therefrom must be served. (§ 2547 Code Civ. Pro.)

#### **Determining the Validity of Will.**

**One year** after probate an action in the Supreme Court to determine the validity of the will must be brought; but persons within the age of minority, of unsound mind, imprisoned or absent from the State, may bring such action one year after such disability has been removed. (§ 2648 Code Civ. Pro.)

#### **Transfer Tax.**

**Sixty days** after the filing of the appraiser's report objections thereto must be filed. (Rule 25, N. Y. Surrogates' Court.)

#### **Payment of Funeral Expenses.**

**Sixty days** after the granting of letters, a person having a claim against the estate for funeral expenses may petition the Surrogate's Court for an order to show cause why the same should not be paid. (§ 2729 Code Civ. Pro.)

**Three months** after the granting or denial of an application for the payment of funeral expenses, a new application may be made therefor. (§ 2729 Code Civ. Pro.)

**Ten days** after the service of an order of the surrogate directing the payment of funeral expenses, the same must be paid. (§ 2729 Code Civ. Pro.)

#### **Appeals.**

**Thirty days** after service of a decree or order an appeal therefrom by a party to the proceeding must be taken. (§ 2572 Code Civ. Pro.)

**Three months** after entry of the order a person not a party must appeal therefrom. (§ 2572 Code Civ. Pro.)

**Ten days** after the filing of the undertaking the respondent may except to the sureties. (Rule 16, N. Y. Surrogates' Court.)

**Ten days** thereafter the sureties must justify. (Rule 16, N. Y. Surrogates' Court.)

**Five days'** notice of such justification must be given. (Rule 16, N. Y. Surrogates' Court.)

**Thirty days** after service of a copy of a decree, or order, with notice of the entry thereof, the case must be prepared and served. (Rule 32, General Rules.)

#### Miscellaneous Provisions.

**Thirty years** after the probate of a will in this or in another State, an exemplified copy of the same may be admitted in evidence with like effect as the original will. (§ 2632 Code Civ. Pro.)

**Ten days** after a surrogate admits to probate a will of a non-resident, or grants original or ancillary letters in such a case, he must file a certified copy of the will or letters with the secretary of State. (§ 2503 Code Civ. Pro.)

**Twenty days** after letters are issued the executor or administrator under a will relating to real property must record the same in each county where the real property is situated. (§ 2633 Code Civ. Pro.)

**One year** after probate the will must be retained by the surrogate. (§ 2635 Code Civ. Pro.)

**Fourteen days'** notice to the attorney-general must be given of an application for a share of money from an estate paid into the State treasury for the benefit of the unknown legatees or heirs. (§ 2747 Code Civ. Pro.)

**Sixty days** after a warrant is placed in the hands of the sheriff directing him to seize property withheld from an administrator he must make a return thereon. (§ 2710 Code Civ. Pro.)

**Thirty days** the clerk of a Surrogate's Court may adjourn any matter in the absence of the surrogate. (§ 2509 Code Civ. Pro.)

**One week** from the return day a motion may be adjourned by consent. (Rule 2, N. Y. Surrogates' Court.)

**One day's** notice of settlement of an order in a litigated motion must be given. (Rule 9, N. Y. Surrogates' Court.)

**Two days'** notice of settlement of a decree in a contested probate or accounting must be given. (Rule 9, N. Y. Surrogates' Court.)

**Two days'** notice of adjustment of costs must be given. (Rule 22, N. Y. Surrogates' Court.)

**Every week** each surrogate of New York county must publish his appointments for the preceding week. (§ 2504 Code Civ. Pro.)

**Once a year** the surrogates of New York county must publish the appointments for terms of their court. (§ 2504 Code Civ. Pro.)

## TAX.

### Lien of.

**Ten days** after an assessment is entered in the record of the collector of assessments and arrears it becomes a lien upon the real property affected thereby. (§ 159 N. Y. City Charter.)

### Increase or Reduction.

**One year** after the delivery of the books to the receiver of taxes, any remission or reduction of taxes on real estate must be made. (§ 897 N. Y. City Charter.)

**Ten days** after a deputy tax commissioner takes evidence upon an application for the revision or cancellation of an assessment, he shall transmit said evidence to the board of taxes and assessments. (§ 898 N. Y. City Charter.)

**Thirty days** after submission to the board of taxes and assessments of an application to reduce an assessment, the board must render its decision. (§ 898 N. Y. City Charter.)



**Five days** after a new assessment on personal property is made in the proper borough, written notice thereof must be mailed to the person taxed. (§ 894 N. Y. City Charter.)

**Ten days**, at least, before April 15, in each year, notice of the increase of an assessment must be given the individual or corporation affected thereby. (§ 896 N. Y. City Charter.)

#### **For Street Opening.**

**Ten days'** public notice, by advertisement, shall be given by the comptroller of the confirmation of an assessment for a street opening, the publication to be begun within **ten days** after the receipt by the comptroller of the order of confirmation. (§ 1005 N. Y. City Charter.)

**Sixty days** after the entry of an assessment for a street opening, interest begins to run if the same is unpaid. (§ 1006 N. Y. City Charter.)

#### **For Local Improvement.**

**Sixty days** after an assessment for local improvements is entered, the same must be paid, or interest will be charged. (§ 1019 N. Y. City Charter.)

**Ten days** after the confirmation of an assessment for local improvements, notice thereof shall be published in the City Record for **ten days**. (§ 1018 N. Y. City Charter.)

**Twenty days** after the confirmation of an assessment for a local improvement, the notification clerk shall mail a notice thereof to each person affected thereby whose name is on record in the division of notification. (§ 1023a N. Y. City Charter.)

**Ten days'** notice of the completion of an assessment for a local improvement shall be published. (§ 950 N. Y. City Charter.)

**Ten days** after the entry of an assessment for a local improvement, the same shall be deemed to be fully confirmed and to become a lien upon the property affected. (§ 1017 N. Y. City Charter.)



**Thirty days** after an assessment for local improvement is presented to the board of revision of assessments, it shall be confirmed or deemed to have been confirmed. (§ 944 N. Y. City Charter.)

**Thirty days** after notice of the completion of an assessment for a local improvement, objections thereto must be presented. (§ 950 N. Y. City Charter.)

**Four months** after the confirmation of an assessment for a local improvement, including awards made for the change of grade of a street, the awards must be paid. (§ 953 N. Y. City Charter.)

**One year** after the confirmation of an assessment for a local improvement, proceedings to set the same aside must be commenced. (§ 963 N. Y. City Charter.)

#### Collection of.

**Five days'** notice must be given by the receiver of taxes of the receipt by him of the assessment-rolls. (§ 914 N. Y. City Charter.)

**Ten days'** notice, by advertisement, shall be given by the receiver of taxes that all taxes remaining unpaid on November 1, of each year, must be paid before December 1, of the same year (§ 918 N. Y. City Charter), **and**

**Ten days'** further notice must be given by the receiver after December 1. (§ 918 N. Y. City Charter.)

**Thirty days** after a marshal receives a warrant for the collection of an unpaid personal tax by distress and sale, he shall return the same to the receiver of taxes (§ 926 N. Y. City Charter), **but**

**Sixty days'** extension of said time may be granted by the comptroller, at one time. (§ 926 N. Y. City Charter.)

**Sixty days** after a warrant for the collection of a delinquent tax has been returned by the marshal unpaid, the receiver shall send the same to the corporation counsel. (§ 932 N. Y. City Charter.)

### Tax Sales.

**Three years** after a tax or assessment on lands is confirmed, the same must be paid or the lands may be advertised for sale. (§ 1027 N. Y. City Charter.)

**Four years** after water rents are due, they must be paid or the lands charged therewith may be advertised for sale. (§ 1027 N. Y. City Charter.)

**Three months'** publication, once each week, of a notice of sale of real property for non-payment of taxes is required. (§ 1027 N. Y. City Charter.)

**Fifteen months** the sale may be postponed. (§ 1029 N. Y. City Charter.)

**Six days'** notice of the sale of personal property seized for non-payment of taxes must be given by posting the same. (§ 928 N. Y. City Charter.)

**Thirty days** after the sale of lands for taxes, the certificates of sale must be paid for. (§ 1030 N. Y. City Charter.)

**Six weeks'** publication, twice each week, of a notice of the expiration of time to redeem lands sold for taxes is required. (§ 1041 N. Y. City Charter.)

**Six months'** notice must be given to the occupant or owner of lands sold for taxes to redeem the same within said time. (§§ 1043, 1047 N. Y. City Charter.)

**Sixty days** before the time to redeem property sold for taxes expires, the collector shall notify all mortgagees and other persons who have within **one month** theretofore filed with the comptroller a memorandum of the mortgage, etc. (§ 1036 N. Y. City Charter.)

**Two years** after the sale of lands for taxes, the mortgagee thereof may redeem the same. (§ 1040 N. Y. City Charter.)

**Two years** after the sale of lands for taxes, if the same are unredeemed, a lease will be executed to the purchaser (§ 1041 N. Y. City Charter), **but**

**Six months** prior thereto, the notice to redeem must have been published. (§ 1041 N. Y. City Charter.)

**Three months'** publication of a notice to owners of lands unclaimed after the expiration of the term for which the same were sold for taxes, must be given by the city before making improvements thereon. (§ 1035 N. Y. City Charter.)

**One year** after the purchase by the city of lands sold for taxes, the same may be assigned by the collector to any person paying therefor. (§ 1032 N. Y. City Charter.)

**One month** after the expiration of a lease of lands sold for taxes, the purchaser may remove all buildings erected thereon by him. (§ 1041 N. Y. City Charter.)

### Transfer Tax.

**Sixty days** after the filing of the appraiser's report objections thereto must be filed. (Rule 25, N. Y. Surrogates' Court.)

## TAXATION.

### Of Costs.

**Two days'** notice of taxation must be given if attorneys have their offices in city or town. (§ 3263 Code Civ. Pro.)

**Five days'** notice is necessary otherwise. (§ 3263 Code Civ. Pro.)

**Two days'** notice of taxation of costs must be given in the City Court of New York (§ 3161 Code Civ. Pro.), but

**One day's** notice is sufficient if all the persons have their offices in the city of New York. (§ 3161 Code Civ. Pro.)

**Five days** after the entry of judgment in the Municipal Court of New York, the taxation of costs may be reviewed (§ 342 Mun. Ct. Act.), and

**Two days'** notice of such review must be given. (§ 342 Mun. Ct. Act.)

## TAXPAYER'S ACTION.

**One year** after payment of a tax therein a taxpayer may bring an action against an officer of a municipal corporation to prevent injury to the property of the corporation. (§ 1925 Code Civ. Pro.)

**Fourteen days'** notice of an application to substitute an officer in such an action for his predecessor shall be given. (§ 1930 Code Civ. Pro.)

### TEMPORARY ADMINISTRATOR.

**Two to ten days'** notice of an application for the appointment of a temporary administrator must be given to each party interested in the proceedings. (§ 2670 Code Civ. Pro.)

**Two to ten days'** notice of a motion for an order to sell personal property must be given by a temporary administrator to all parties who have appeared. (§ 2672 Code Civ. Pro.)

**Six months** after letters were issued, a temporary administrator may publish a notice requiring creditors to present their claims. (§ 2673 Code Civ. Pro.)

**One year** after letters were issued the surrogate, upon application of the temporary administrator or a creditor, may make an order that the temporary administrator pay decedent's debts. (§ 2674 Code Civ. Pro.)

**One year's** lease of property may be made by the temporary administrator by order of the surrogate. (§ 2675 Code Civ. Pro.)

**Ten days** after any money belonging to the estate comes into his hands the temporary administrator must deposit it as required by law. (§ 2678 Code Civ. Pro.)

**Three days** after issuing an order in New York county directing the administrator to make such deposit it must be made returnable (§ 2679 Code Civ. Pro.), and

**Two days** before the return day such order must be served. (§ 2679 Code Civ. Pro.)

**Fifteen days** after issuing an order in any other county directing the administrator to make such deposit it must be made returnable (§ 2679 Code Civ. Pro.), and

**Ten days** before the return day such order must be served. (§ 2679 Code Civ. Pro.)

**Two days'** notice of an application for an order allowing money so deposited to be withdrawn must be given to all parties. (§ 2680 Code Civ. Pro.)

**At any time** a judicial settlement of the accounts of the temporary administrator may be compelled. (§ 2725 Code Civ. Pro.)

### TENANT FOR LIFE.

**Once a year** a petition for the production of a tenant for life may be presented to the Supreme Court. (§ 2302 Code Civ. Pro.)

**Fourteen days** before presentation the petition must be served upon the person required to produce the tenant. (§ 2304 Code Civ. Pro.)

**Fourteen days** before the time therein specified an order to produce the tenant or prove that he is alive must be served. (§ 2306 Code Civ. Pro.)

**Ten days** after the case is closed the referee must deliver his report to the petitioner or file it with the clerk. (§ 2308 Code Civ. Pro.)

**Two to four months'** notice of the time when and the place where the commissioners will attend must be given the adverse party. (§ 2313 Code Civ. Pro.)

### TENDER.

**Ten days** after money is paid into court notice thereof in writing must be served on the plaintiff's attorney. (§ 732 Code Civ. Pro.)

### TENEMENTS.

**Five days'** notice of motion for an injunction against the tenement house department is required. (§ 1344b N. Y. City Charter.)

**Six months** after the cause of action accrues, an action against the city on account of any act of the tenement house department must be commenced. (§ 1344d N. Y. City Charter.)

## TERMS OF COURT.

### Appellate Division.

**Thirty days** before the commencement of such term an appointment of a term of an Appellate Division must be made and filed in the office of the secretary of State. (§ 226 Code Civ. Pro.)

**Four weeks** in succession the secretary of State must publish a copy of the appointment of a term of an Appellate Division. (§ 226 Code Civ. Pro.)

### Supreme Court.

**Every two years** the justices of the Appellate Division in each department, or in case of their failure so to do, the justices of the Supreme Court for each department, must fix the times and places for holding terms of court, and shall make rules therefor. (§ 232 Code Civ. Pro.)

**Three weeks** in succession before the holding of a term in pursuance thereof, the secretary of State must publish a copy of the appointment of terms of court of the Supreme Court. (§ 233 Code Civ. Pro.)

### County Court.

**Three weeks** in succession before a **civil** term is held and **four weeks** in succession before a **criminal** term is held, the appointment thereof by the county judge must be published. (§ 356 Code Civ. Pro.; § 45 Code Crim. Pro.)

### City Court of New York.

**Three weeks** in succession before a term is held in pursuance thereof, an appointment of terms for the City Court of New York must be published. (§ 325 Code Civ. Pro.)

## TESTAMENTARY TRUSTEE.

*See* SURROGATE'S COURT.

**TESTIMONY.****Perpetuation of.**

**One year's** possession of real property must be shown by applicant for the perpetuation of testimony in relation thereto. (§§ 1688d, 1688e Code Civ. Pro.)

**Ten years'** term must be claimed by tenant for years in order to have testimony concerning the real estate perpetuated. (§ 1688d Code Civ. Pro.)

**Ten days** after deposition taken in proceedings to perpetuate testimony concerning real estate is certified to by the referee it must be filed with the county clerk. (§ 1688h Code Civ. Pro.)

**TRANSFER TAX.**

*See* SURROGATE'S COURT.

**TREASURER.**

*See* COUNTY TREASURER.

**TRIAL.****Place of Trial.**

**Five days** after service of a demand for a change in the place of trial the plaintiff must consent (§ 986 Code Civ. Pro.), or

**Ten days** thereafter defendant may serve notice of a motion for that purpose. (§ 986 Code Civ. Pro.)

**Preparation for.**

**Two days'** time must be allowed the defendant to prepare for trial. (§ 357 Code Crim. Pro.)

**Decision.**

**Twenty days** after the close of the term the decision of the court must be filed. (§ 1010 Code Civ. Pro.)

**New Trial.**

**One year** after judgment is the time within which an application for a new trial may be made on the ground of newly discovered evidence. (§ 466 Code Crim. Pro.)



Any time before the execution, in case of a sentence of death, an application may be made for a new trial. (§ 466 Code Crim. Pro.)

### Objection to Jury.

Six months from the date of verdict any party may raise an objection that one of the jurors was related to another of the parties. (§ 1166 Code Civ. Pro.)

### Trial by Jury.

Ten days after the joinder of issue in a case where a jury is not provided for by the Code either party may give notice of a special motion that the issue be tried by jury. (Rule 31, General Rules.)

### Surrogate's Court.

Ten days after a verdict is rendered in the trial of a special proceeding from the Surrogate's Court by a jury in the Supreme Court, a motion for a new trial must be made (§ 2547 Code Civ. Pro.), and

Ten days after an order granting or refusing a new trial is made a notice of appeal therefrom must be served. (§ 2547 Code Civ. Pro.)

### Municipal Court of New York.

Fourteen days after an issue of fact is submitted to a justice of the Municipal Court of New York, he may order a trial by jury (§ 232 Mun. Ct. Act.), and

Eight days thereafter such trial must be had. (§ 232 Mun. Ct. Act.)

Eight days at a time, except by consent, the trial of an action in the Municipal Court of New York may be adjourned (§ 193 Mun. Ct. Act.), but

Ninety days' adjournment may be had by giving an undertaking. (§ 194 Mun. Ct. Act.)

Forty-eight hours only, the trial of an action in the Municipal Court of New York may be adjourned while the defendant is actually in custody under an order of arrest. (§ 193 Mun. Ct. Act.)

**Stenographer's Minutes.**

**Two years** after a trial or hearing the stenographer may destroy the original notes thereof. (§ 84 Code Civ. Pro.)

**TRUSTEE.****Action Against.**

**Three years** after the cause of action accrues an action against the trustee of an insolvent debtor to recover a chattel or damages for injury to personal property, must be begun. (§ 383 Code Civ. Pro.)

**Accounting.**

**One year** after probate or when the trusts have been executed a testamentary trustee may apply to have his accounts judicially settled. (§ 2810 Code Civ. Pro.)

**One year** after probate or where the powers of the trustees have ceased, or where the trusts have been executed, the court may compel a judicial settlement of the trustees' account. (§ 2807 Code Civ. Pro.)

**Bond of.**

**Ten days'** notice of an application by the surety upon his bond to be relieved from liability must be given a trustee. (Laws 1881, ch. 654, § 3.)

**Five days'** notice must be given of the examination of sureties on a bond executed by a trustee (Rule 17, N. Y. Surrogates' Court), **and**

**Five days** after the service of an order to that effect, new sureties must be substituted. (Rule 17, N. Y. Surrogates' Court.)

**UNDERTAKING.**

*See* **BOND.**

**VENUE.**

*See* **TRIAL.**

## VESSEL.

## Attachment of.

**Thirty days** after a vessel is attached, the court, upon application of her owner or his agent, must appoint appraisers of her value. (§§ 660, 666 Code Civ. Pro.)

**Two days** after such valuation of a **domestic vessel** is returned, the claimant may regain possession by giving the sheriff an undertaking. (§ 662, 663 Code Civ. Pro.)

**Three days** after such valuation of a **foreign vessel** is returned the plaintiff must give the claimant an undertaking to pay any damages recovered by the latter in an action brought within three months from the approval of the undertaking. (§ 668 Code Civ. Pro.)

**Thirty days** after attachment, if the proper claims to it are not made, the vessel may be sold by order of the court. (§§ 672, 673 Code Civ. Pro.)

**One month** after the defendant is entitled to claim the vessel, if the plaintiff's undertaking is not discharged, or he is not otherwise indemnified, the court may order the vessel sold and the proceeds paid to the persons who executed the undertaking for their indemnity. (§ 671 Code Civ. Pro.)

**Three days'** extension of time may be granted by the court to the plaintiff in which to furnish an undertaking under a second warrant of attachment where the plaintiff failed to give an undertaking under the first warrant to prevent the release of a foreign vessel. (§ 701 Code Civ. Pro.)

## Lien Upon.

**Ten days** after the damage is done, a lien for damages caused by a vessel must be filed. (Lien Law, § 31.)

**Thirty days** after it is contracted a lien against a vessel for a debt must be filed. (Lien Law, § 32.)

**Six months** after the first of January next succeeding the time when the debt was contracted, a lien against a vessel navigating the western or northwestern lakes or the St. Lawrence river must be enforced by action. (Lien Law, § 33.)

**Twelve months** after the debt was contracted, in the case of any other vessel, the action must be commenced (Id. § 33), **but**

**Thirty days** after the vessel returns to port, the time to commence the action may be extended. (Id. § 33.)

**Ten days** after a sheriff has seized a vessel in an action to enforce a lien thereon, he must make return of his proceedings. (§ 3422 Code Civ. Pro.)

**Ten days** after the execution of a warrant to seize a vessel in an action to enforce a lien thereon, the order to show cause and copy of application must be served. (§ 3423 Code Civ. Pro.)

**Eight days** before the return thereof an order to show cause why a vessel should not be sold to satisfy a lien thereon must be served. (§ 3423 Code Civ. Pro.)

**Three days** after the issue of a warrant to enforce a lien on a vessel, notice of such issuance shall be published (§ 3424 Code Civ. Pro.), **and**

**Once a week** for **two** consecutive weeks such notice must be published (§ 3424 Code Civ. Pro.), **and**

**Ten days** after the first publication, such notice shall be served personally or by mail on other claimants, where the vessel is used to navigate the canals or lakes of this State. (§ 3424 Code Civ. Pro.)

**Ten days** after the receipt of an order to sell a vessel in proceedings to enforce a lien thereon, the sheriff shall sell the same. (§ 3427 Code Civ. Pro.)

**Once a week** for **three** successive weeks, the justice granting an order of sale of a vessel in proceedings to enforce a lien thereon, shall cause notice of distribution of the proceeds of such sale to be published (§ 3428 Code Civ. Pro.), **and**

**Thirty to forty days** from the first publication such distribution shall be made. (§ 3428 Code Civ. Pro.)

**Five days** after the filing of an answer contesting any claim made against a vessel in proceedings to enforce a lien thereon, a copy of such answer must be served upon the person whose claim is contested. (§ 3430 Code Civ. Pro.)

**Once a week** for two consecutive weeks, the applicants for surplus moneys arising from the sale of a vessel to satisfy a lien thereon, must publish a notice of the distribution thereof. (§ 3434 Code Civ. Pro.)

**One days'** notice must be given of an application for the discharge of a warrant issued in proceedings to enforce a lien on a vessel. (§ 3435 Code Civ. Pro.)

**Three months** after an undertaking is given to discharge a warrant issued in proceedings to enforce a lien against a vessel, the same must be prosecuted by action. (§ 3438 Code Civ. Pro.)

**Five days'** notice of an application to discharge a lien filed against a vessel, before the issuance of a warrant, must be given. (§ 3441 Code Civ. Pro.)

## VOLUNTARY DISSOLUTION.

*See* DISSOLUTION OF CORPORATION.

## WAGE EARNER.

**Fifteen days** a defendant may be imprisoned under an execution against the person in an action in the City Court of New York for wages earned by a female employee. (§ 3167 Code Civ. Pro.)

**One month** after his cause of action accrues a wage earner must bring an action in the Municipal Court of New York to recover for his services, in order to be entitled to an execution against exempt property and against the person. (§ 274 Mun. Ct. Act.)

**Fifteen days** after a defendant is confined in jail under an execution against the person issued out of the Municipal Court of New York upon a judgment for wages, he must be discharged. (§ 274 Mun. Ct. Act.)

### WHARFS.

**Ten days'** advertisement of the lease of wharf property by the commissioner of docks of the city of New York is required. (§ 825 N. Y. City Charter.)

**Four months** after the filing of the oaths of the commissioners appointed in proceedings to acquire wharf property, the title to the property shall vest in the city. (§§ 823, 824 N. Y. City Charter.)

### WIDOW.

**Six years** is the limit of time for the withholding of her dower during which the widow may claim damages. (§§ 1600, 1603 Code Civ. Pro.)

**Twenty years** after the death of her husband an action for dower must be commenced by the widow, but if she is at the time of his death either,

1. Within the age of twenty-one years,
2. Insane, or
3. Imprisoned on a criminal charge for a term less than for life, the time of such disability is not a part of the time so limited. (§ 1596 Code Civ. Pro.)

**Four months** after the death of her husband an action may be brought against a widow to compel the determination of her claim to dower in real property. (§ 1647 Code Civ. Pro.)

### WILL.

**One year** after probate the will must be retained by the surrogate. (§ 2635 Code Civ. Pro.)

### Action to Establish.

**Six years** after the cause of action accrues, an action to establish a will may be begun. (§ 382 Code Civ. Pro.)

### Determining Validity of.

**One year** after probate an action in the Supreme Court to determine the validity of the will must be brought; but persons within the age of minority, of unsound mind, imprisoned or absent from the State, may bring such action one year after such disability has been removed. (§ 2648 Code Civ. Pro.)

**Two years** after a will has been admitted to probate or after the disability of a contestant has been removed, an action to determine the validity thereof must be commenced. (§ 2653a Code Civ. Pro.)

### Of Real Property.

**Four years** after death a will devising real property must be admitted to probate or be established in order to affect the title of an heir at law or his grantee to the property; unless at the time of testator's death the devisee was an infant, or insane, or imprisoned on a criminal charge, or without the State, or unless the will was concealed, in which case one year after the devisee's disability is removed or the will delivered, such limitation begins to run. (§ 2628 Code Civ. Pro.)

**Twenty days** after letters are issued the executor or administrator under a will relating to real property must record the same in each county where the real property is situated. (§ 2633 Code Civ. Pro.)

### Probate Proceedings.

**Five days** after objections to probate are filed the proponents shall apply for an order fixing the time of hearing. (Rule 4, N. Y. Surrogates' Court.)

**Four days'** notice of such hearing is required. (Rule 4, N. Y. Surrogates' Court.)

**Two days'** notice of taking testimony of witnesses to a will must be given the probate clerk. (Rule 4, N. Y. Surrogates' Court.)

**Two days** before the return day of the citation the will must be filed. (Rule 4, N. Y. Surrogates' Court.)



**Copy of.**

**Ten days** after a surrogate admits to probate a will of a non-resident, or grants original or ancillary letters in such a case, he must file a certified copy of the will or letters with the secretary of State. (§ 2503 Code Civ. Pro.)

**Thirty years** after the probate of a will in this or in another State, an exemplified copy of the same may be admitted in evidence with like effect as the original will. (§ 2632 Code Civ. Pro.)

**WITNESS.****Subpoena Duces Tecum.**

**Five days'** before the witness is required to attend, the subpoena must be served upon him. (§ 867 Code Civ. Pro.)

**Before Commissioner.**

**Two days** before the day on which the witness is commanded to appear before a commissioner appointed to take testimony for use without the State, the subpoena must be served upon him (Rule 17, General Rules), **but**

**Five days'** service is required where the witness is commanded to produce books or papers. (Rule 17, General Rules.)

**In Justice's Court.**

**Five days'** adjournment may be granted by the justice where a warrant of attachment is issued to compel the attendance of a witness. (§ 2967 Code Civ. Pro.)

**Five days** after judgment the justice, upon application, must issue a warrant against a defaulting witness. (§ 2975 Code Civ. Pro.)

**Twelve days** after issuing the warrant it must be returned. (§ 2975 Code Civ. Pro.)

**Thirty days'** imprisonment may be imposed by the justice for the neglect on the part of a defaulting witness to pay a fine. (§ 2977 Code Civ. Pro.)

**Ten days** after the receipt of the fine it must be paid over for the benefit of the poor. (§ 2978 Code Civ. Pro.)

## WRIT OF INQUIRY.

**Five days'** notice of the time and place of the execution of a reference or writ of inquiry must be given to a defendant in an action where an application to the court is required. (§ 1219 Code Civ. Pro.)

**Two days'** notice must be given in the City Court of New York of an application for the execution of a reference or writ of inquiry or of an assessment thereupon. (§ 3161 Code Civ. Pro.)



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